



## INSPECTOR GENERAL COMPLAINTS

### COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

**NOTICE:** This publication is available digitally on the SAF/AAD WWW site at: <http://afpubs.hq.af.mil>. If you lack access, contact your Publishing Distribution Office (PDO).

This instruction implements Air Force Policy Directive (AFPD) 90-3, *Inspector General Complaints Program*; Department of Defense (DoD) Directive 5505.6, *Investigations of Allegations Against Senior Officials of the Department of Defense*; DoD Directive 7050.6, *Military Whistleblower Protection*; DoD Directive 6490.1, *Mental Health Evaluations of Members of the Armed Forces*; and DoDD 5015.2, *Records Management Program*. It applies to all military personnel subject to the Uniform Code of Military Justice (UCMJ) including Air Force Reserve personnel, to the Air National Guard, and to all Air Force civilian personnel subject to civilian administrative or disciplinary action under applicable directives or implementing instructions. Military members who violate the prohibition against reprisal in paragraph 3.3.1.1 of this instruction are subject to prosecution under the UCMJ. Civilians who violate this prohibition are subject to administrative or disciplinary action under applicable directives or implementing instructions governing civilian disciplinary or administrative action.

This instruction provides for the receipt, processing and conduct of Secretary of the Air Force Inspector General (SAF/IG) investigations, and explains how individuals may present personal complaints for resolution. It formalizes Air Force commitment to prevent and eliminate fraud, waste, and abuse (FWA), conduct IG FWA investigations and establishes an office to monitor the FWA program, administer the Air Force Hotline Program, and assist with the DoD Hotline Program. It assigns responsibilities for and prescribes procedures for reporting and processing all allegations or adverse information of any kind against Air Force Senior Officials, colonels (grade of O-6), and colonel selects and complaints involving allegations of reprisal or improper referral for mental health evaluations. It provides guidance on the completion and Quality Review of IG Reports of Investigation (ROI), Summary Reports of Investigation (SROI), Progress Reports, and Hotline Completion Reports.

This instruction provides for the collecting and maintaining of information subject to the Privacy Act of 1974 as authorized by Title 10, United States Code, Sections 8013 and 8020 and explains how to collect and report data used to support the SAF/IG Complaint Data Collection system. The F120 AF IG B, *Inspector General Records*, system of records applies to this instruction and AF Form 102, *Inspector General Personal and Fraud, Waste and Abuse Complaints Registration*, contains a Privacy Act statement. The reporting requirements in this instruction (except for RCS: HAF-IGO [M] 7701) are exempt from licensing in accordance with AFI 37-124, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections*.

Commanders may use this directive as guidance but not as the authority for commander-directed inquiries or investigations. Commanders should use the inherent authority of command (rather than this instruction) to authorize commander-directed administrative inquiries and investigations conducted outside of IG channels.

### SUMMARY OF REVISIONS

★Revision deletes all figures incorporating them into the text and attachments, revises chapters and text within chapters, changes and renames Chapter 2 and 3, deletes and adds attachments, acronyms, and definitions. Implements the Senior Official Inquiries Directorate (SAF/IGS) and implements SAF/IGS policy regarding Senior Official allegations and adverse information. Redesignates SAF/IGQ(ISO) as the Inquiries Directorate (SAF/IGQ) for complaints against colonels, colonel

Supersedes: AFI 90-301, 23 May 1994.  
OPR: SAF/IGQ (Maj D. Heath Drader)

Certified by: SAF/IG (Lt Gen Richard T. Swope)  
Pages: 70/Distribution: F

selects, and below, records release, FWA, and policy matters. Modifies policy on colonel and colonel select cases. Provides for notification procedures, transfers closure of all colonel and colonel select cases to MAJCOM (or equivalent) IG offices, deletes the requirement for executive summaries for Senior Official cases and adds civilian equivalents to the list of Investigating Officers. Deletes the Review and Inquiry, implements categories of investigations, and changes the Report of Investigation (ROI) format. Modifies the handling of Equal Opportunity and Treatment (EOT) violation allegations. This revision also obsoletes AF Forms 635 and 1482.

## Paragraph

### Chapter 1—RESPONSIBILITIES

Secretary of the Air Force, Inspector General (SAF/IG).....	1.1.
★Secretary of the Air Force, Inspector General, Senior Official Inquiries Directorate (SAF/IGS).....	1.2.
Secretary of The Air Force, Inspector General, Inquiries Directorate (SAF/IGQ).....	1.3.
NGB, MAJCOM, FOA and DRU IGs and IGQs. ....	1.4.
Numbered Air Force, Center, Wing/Installation, or Group IG. ....	1.5.
Commanders. ....	1.6.
Appointing Authority. ....	1.7.
Staff Judge Advocates (SJA). ....	1.8.
★Investigating Officer (IO). ....	1.9.
Complainants. ....	1.10.
Witnesses (Military Members and DoD Civilian Employees). ....	1.11.
Secretary of the Air Force, General Counsel (SAF/GC). ....	1.12.
Secretary of the Air Force, Legislative Liaison, Congressional Inquiry Division (SAF/LLI).....	1.13.
Secretary of the Air Force, Public Affairs (SAF/PA). ....	1.14.
Headquarters Air Force Judge Advocate General (HQ USAF/JA). ....	1.15.
Air Force Inspection Agency (AFIA).....	1.16.
Air Force Office of Special Investigations (AFOSI). ....	1.17.
Headquarters, Air Force Audit Agency (AFAA). ....	1.18.
Headquarters Air Force, Deputy Chief of Staff, Personnel (HQ USAF/DP).....	1.19.
Headquarters Air Force, Chief of Security Police (HQ USAF/SP).....	1.20.
★Headquarters Air Force, Office of the Surgeon General (HQ USAF/SG). ....	1.21.
★Assistant Secretary of the Air Force, Financial Management and Comptroller (SAF/FM). ....	1.22.

### Chapter 2—INSPECTOR GENERAL (IG) COMPLAINT SYSTEM

Authority and Scope.....	2.1.
★IG Complaint Process. ....	2.2.
Commander-Directed Investigation (CDI).....	2.3.
★Air Force Civilian Employees. ....	2.4.

### Chapter 3—IG SPECIAL INTEREST PROGRAMS

★Senior Official Investigations. ....	3.1.
Colonel, Colonel Select and GM-15 Investigations. ....	3.2.
Reprisal Complaints:.....	3.3.
Mental Health Evaluation (MHE) Referrals (alleged violations of DoDD 6490.1).....	3.4.
Equal Opportunity and Treatment (EOT) Complaints: ....	3.5.
Fraud, Waste and Abuse Complaints. ....	3.6.

### Chapter 4—PROTECTION, ACCESS, RELEASE AND MAINTENANCE OF IG RECORDS

Protection of IG Records. ....	4.1.
★Access to IG Records.....	4.2.
★Release Authority. ....	4.3.
Maintaining IG Records. ....	4.4.

## Page

### Attachments

1. GLOSSARY OF ABBREVIATIONS, ACRONYMS, AND TERMS.....	38
--	----

	Page
2. FORMAT FOR PROGRESS REPORT .....	45
3. ★SAMPLE LETTER FOR REPORTING ALLEGATIONS OR ADVERSE INFORMATION AGAINST SENIOR OFFICIALS, COLONELS, COLONEL SELECTS AND GM-15 PERSONNEL AND FOR IMMEDIATE REPORTING OF VIOLATIONS OF DOD DIRECTIVE 6490.1 (MENTAL HEALTH EVALUATIONS OF MEMBERS OF THE ARMED FORCES).....	46
4. REPRISAL COMPLAINT ADVISEMENT AND FILING PROCEDURES .....	47
5. SAMPLE LETTER FOR APPOINTMENT OF AN INVESTIGATING OFFICER (IO).....	49
6. CASE FILE FORMAT .....	51
7. FORMAT FOR SUMMARY REPORT OF INVESTIGATION (SROI) .....	52
8. FORMAT FOR HOTLINE COMPLETION REPORT (AS OF DATE).....	53
9. ★NOTIFICATION MATRIX.....	54
10. FORMAT FOR ACID TEST FOR REPRISAL.....	56
11. FORMAT FOR REPRISAL EVALUATION .....	57
12. FRAUD, WASTE AND ABUSE HOTLINE NUMBERS.....	60
13. ★SAMPLE OFFICIAL USE REQUESTS.....	62
14. REFERRAL AGENCIES AND APPROPRIATE GRIEVANCE CHANNELS .....	63
15. CRITERIA FOR ASSESSING ALLEGATIONS OF VIOLATIONS OF DODD 6490.1 MENTAL HEALTH EVALUATIONS OF MEMBERS OF THE ARMED FORCES .....	65
16. ITEMS FOR CASE REVIEWING OFFICIALS' CHECKLIST (See note 1 below).....	69

## Chapter 1

### RESPONSIBILITIES

#### 1.1. Secretary of the Air Force, Inspector General (SAF/IG).

##### 1.1.1. Responsibilities:

1.1.1.1. Provide overall SAF/IG policy guidance, develop procedures, and evaluate complaint and FWA programs.

1.1.1.2. Assign responsibilities and provide resources to accomplish SAF/IG mission.

1.1.1.3. Appoint IG staff members, officials from the Air Force Inspection Agency (AFIA), commissioned officers, senior noncommissioned officers, and civilian equivalents as Investigating Officers (IOs) to look into personal or FWA complaints.

1.1.1.4. Designate an Air Force point of contact for the IG, DoD for special inquiry assistance and for the exchange of information concerning Senior Officials and other information required by this instruction.

1.1.1.5. Oversee Senior Official complaint investigations.

1.1.1.6. Conduct trend assessments and submit reports as required.

1.1.1.7. Control access to information obtained under this instruction to protect against unauthorized disclosure.

##### 1.1.2. Receiving and Processing Complaints.

1.1.2.1. Receive allegations against Air Force personnel, programs, or organizations. Expeditiously conduct a Complaint Analysis and Refer, provide Assistance, or conduct an investigation into relevant complaints received from any source. Refer allegations of criminal misconduct to the Air Force Office of Special Investigations (AFOSI).

1.1.2.2. SAF/IG or designee will notify National Guard Bureau (NGB), major command (MAJCOM), direct reporting unit (DRU), and field operating agency (FOA) commander or vice commander when, as a result of the review process, different conclusions are determined based on the testimony and evidence documented in a case. Notify NGB-IG on Air National Guard (ANG) cases.

##### 1.1.3. Managing Senior Official, Colonel, Colonel Select and GM-15 Cases:

1.1.3.1. Function as the Appointing Authority for all IG cases and/or delegate Appointing Authority, in writing, to the Director, Senior Official Investigations (SAF/IGS) for Senior Official cases and the Director, Inquiries Directorate (SAF/IGQ) for colonel, colonel select, and below cases.

1.1.3.2. Report all allegations of misconduct made against Senior Officials to the IG, DoD, Office of the Secretary of the Air Force (SAF/OS) and Air Force General Officer Matters Office (AFGOMO), for general officers, immediately upon receipt. Include a synopsis of the allegation(s) and date received.

1.1.3.3. Review and maintain Senior Official Unfavorable Information Files (SOUIFs) on all cases of substantiated allegations or adverse information against Senior Officials, colonels and colonel selects as directed by SAF/GC.

**★1.2. Secretary of the Air Force, Inspector General, Senior Official Inquiries Directorate (SAF/IGS).**

1.2.1. Responsibilities:

1.2.1.1. Manage the Senior Official Complaints Program. Only SAF/IGS can conduct investigations into allegations against Senior Officials.

1.2.1.2. Promptly notify SAF/IG when there are allegations of misconduct or adverse information (of any kind) against Senior Officials. The notification memorandum must include a synopsis of the allegation(s) and the date received.

1.2.1.3. When delegated as the Appointing Authority by SAF/IG, appoint IOs for Senior Official and special cases.

1.2.2. Processing Senior Official Allegations or Adverse Information:

1.2.2.1. Conduct a complaints analysis on all complaints involving Air Force Senior Officials. The purpose of the Complaint Analysis is to analyze the validity of the complaint and to recommend an investigative course of action to The Inspector General.

★1.2.2.2. May dismiss a complaint if by preliminary examination (complaint analysis) the complaint discloses no recognizable wrong or violation of law, regulation, or policy; or the individual is reporting the injustice or error more than 60 days after learning of the alleged wrong and no extraordinary circumstances exist to justify the delay; or, given the nature of the alleged wrong and passage of time, no special Air Force interests justify investigating the matter. If there are extenuating circumstances, cases should be considered for processing on a case-by-case basis.

1.2.2.3. Cases in which complainants allege violations of Equal Opportunity and Treatment (EOT) policy by a Senior Official are handled by SAF/IGS (do not refer to Social Actions). IOs will be briefed by EOT personnel prior to interviewing the complainant and will consult with EOT personnel as technical experts throughout the investigation process. Obtain final coordination on the report from the HQ USAF/JAG. Following the Appointing Authority's approval of the report, provide EOT personnel with the case findings and document any command action taken as a result of the investigation .

1.2.2.4. In all cases, ensure all valid allegations are addressed and expeditiously investigated, the findings and conclusions are supported by a preponderance of the evidence in the report, and command action (when required) has been taken and documented in the case file. Ensure AF/JA (and SAF/GC, if required) reviews and comments on the final report.

1.2.2.5. Notify SAF/IG of the results of cases that are not substantiated. As directed by SAF/IG, forward a summary of the case results to SAF/OS and AF/CC and provide a letter to the complainant addressing the allegations and findings.

1.2.2.6. Notify SAF/IG of the results of substantiated cases. At the direction of SAF/IG, notify SAF/OS and CSAF of the results of the case. Forward final reports to AF/CV for review and consideration of possible disciplinary action. For those substantiated cases where nonjudicial or court-martial action may be appropriate, AF/CV will forward the results of the case to the appropriate MAJCOM, FOA, DRU, or NGB commander for review and possible action.

1.2.2.7. Provide progress reports to the IG, DoD on the 90th calendar day after receiving the allegation (using Attachment 2). Update and provide an interim report every 60 calendar days thereafter until the final report is approved by SAF/IG. Upon case closure, send IG, DoD a copy of all Senior Official reports including testimony and attachments and include a statement of any disciplinary or administrative action taken against a Senior Official.

1.2.2.8. Act as the Air Force central repository for Senior Official Unfavorable Information Files (SOUIFs) on all cases of substantiated allegations or other adverse information against Senior Officials (O-7 select and above and GM-15 and above).

1.2.2.9. Complete an AF Form 102, Inspector General Personal and Fraud, Waste and Abuse Complaint Registration, using the AF Form 102 Guide, at the closure of each Senior Official case where an Investigating Officer was assigned.

1.2.3. Checking Senior Official Files:

1.2.3.1. Conduct file checks requested by AFGOMO, Director of Civilian Personnel (HQ USAF/DPC), and Air Force Colonels Group (HQ USAF/DPO).

1.2.3.2. Review Air Force, DoD, and other government investigative files to determine whether they contain derogatory information on specific Senior Officials.

**1.3. Secretary of The Air Force, Inspector General, Inquiries Directorate (SAF/IGQ).**

1.3.1. Responsibilities:

1.3.1.1. Establish policies and procedures for the Air Force IG Complaints Program for non-Senior Official personnel. Manage colonel, colonel selects and below Complaints Program and FWA Program. Conduct investigations as directed by SAF/IG, or as required by this instruction and appoint IOs when investigations are administered from SAF/IGQ level.

★1.3.1.2. It is essential to avoid self-investigation or the appearance of such. If a complaint is made against SAF/IG personnel, have SAF/IG request another agency appoint an impartial IO to investigate.

1.3.1.3. Write overall IG Complaints Program policy, oversee implementing instructions and conduct training and orientations for newly assigned MAJCOM, FOA, DRU, and NGB IG Complaint Program personnel.

1.3.1.4. Act as liaison for FWA matters between the Office of the Secretary of Defense (OSD), Headquarters, United States Air Force (HQ USAF), and other military department IGs. Provide MAJCOM, FOA, DRU, and NGB IGs FWA case closure dates for FWA cases upon receipt from IG, DoD.

1.3.1.5. Advise SAF/IG on the status of the FWA Program including how many Hotline cases have been opened, closed (finalized), and substantiated at all levels and of allegation trends found in the operation of the Air Force FWA Program.

1.3.1.6. Notify SAF/IG when SAF/IGQ disagrees with the conclusions in a case approved by a MAJCOM, FOA, DRU, or NGB IG. Prepare letter for SAF/IG (or designee) to the MAJCOM, FOA, DRU commander or vice commander or NGB-IG stating the specifics and requirements requested for correction or additional review.

1.3.1.7. Inform MAJCOM, FOA, DRU and NGB IGs of projected visits by individuals assigned to the DoD Assistant Inspector General for Departmental Inquiries as well as other DoD offices.

1.3.1.8. Administer the SAF/IG Complaint Data Collection Program and serve as the central point to compile, process, and analyze Air Force IG complaint data.

1.3.1.9. Manage, monitor, and report to IG, DoD the actions of audit, inspection, and investigative groups on DoD Hotline disclosures which IG, DoD referred to the Air Force for action.

1.3.1.10. Act as the Air Force central repository for all types of reports and adverse information of any kind (other than AFOSI reports) concerning colonels and colonel selects.

★1.3.1.11. Act as the Air Force central repository for Senior Official Unfavorable Information Files (SOUIFs) on all cases of substantiated allegations or other adverse information against colonels and colonel selects.

1.3.2. Receiving and Processing Complaints:

1.3.2.1. Receive and process complaints from any source regarding colonel, colonel selects and below. Mark all documents received from complaints "COMPLAINANT PROVIDED" in the lower right hand corner of each page.

1.3.2.2. Refer complaints which appropriately fall under the purview of another office or agency, or should be handled under other directives (other established grievance channels), or are otherwise not under the purview of SAF/IG, to the proper grievance channel. Notify the complainant of the action taken.

★1.3.2.3. May dismiss a complaint if by preliminary examination (complaint analysis) the complaint discloses no recognizable wrong or violation of law, regulation, or policy; or the individual is reporting the injustice or error more than 60 days after learning of the alleged wrong and no extraordinary circumstances exist to justify the delay; or, given the nature of the alleged wrong and passage of time, no special Air Force interests justify investigating the matter. If there are extenuating circumstances, cases should be considered for processing on a case-by-case basis.

1.3.2.4. Advise complainants that it is unlawful for anyone to reprise against them for making or preparing to make a protected disclosure to an IG, Member of Congress, or any member of a DoD audit, inspection, investigation, law enforcement organization, established grievance channel, or their chain of command as defined by this instruction.

1.3.2.5. Contact complainants in writing, by phone, or in person within 5 workdays of receipt of their complaint and provide interim responses at a minimum, every 60 days thereafter until the complaint is closed. Ensure responses to complainants as well as subjects (when required) are consistent with FOIA and PA release guidelines.

1.3.2.6. Task Air Force activities to conduct investigations to resolve complaints and monitor the status and final disposition of taskings. Ensure complainants receive a response for all cases tasked for direct response to lower levels and place cases referred for direct response in "Follow-up" until case is resolved or tasked items are received.

1.3.2.7. Monitor, maintain data, and conduct a Quality Review on all cases where the subject is a colonel, colonel select or GM-15; complainant alleges violations of DoD Directive 6490.1, *Mental Health Evaluations of Members of the Armed Forces*; or complainant alleges reprisal.

1.3.2.8. Notify MAJCOM, FOA, DRU, and NGB IGs of case closure dates for cases tasked from DoD or originated at SAF/IGQ.

1.3.2.9. Maintain office files and other complaint documentation. Office files must include copies of those files generated in the process of answering records release and functional requests.

1.3.2.10. Complete an AF Form 102, using the AF Form 102 Guide, at the closure of each case where an Investigating Officer was assigned and the case closed at SAF/IGQ level.

1.3.3. Quality Review of Cases:

1.3.3.1. Evaluate completed investigation case files submitted to SAF/IGQ to ensure completeness, impartiality, adequacy of the report and propriety of command action (when required). Conduct follow-up as required to validate the adequacy of actions taken.

1.3.3.2. Notify MAJCOM, FOA, DRU, or NGB action offices of discrepancies or deficiencies noted in reports. Return (when required) all case documents and retask cases for any supplemental information or additional investigation required to be incorporated into the original report. Include new information by revision or an addendum to the report.

1.3.3.3. Examine cases for systemic problems or trends and notify SAF/IG. Notify commanders or appropriate agencies as needed to ensure resolution or future preventive action.

1.3.3.4. In cases where SAF/IGQ is the reviewing authority on an IG report (is not the appointing authority), and there is disagreement with the appointing authority's determination, IO's findings or conclusion, legal review or, lower level IG review, the reviewing SAF/IGQ action officer will non-concur with the report or legal review determinations in writing as a cover letter to the report, clearly adopting an official position on the disputed item(s).

1.3.4. Processing Allegations or Adverse Information Against Colonel, Colonel Select or GM-15:

1.3.4.1. Conduct a complaints analysis when allegations are received against a colonel, colonel select or GM-15 and, when warranted, immediately conduct an investigation into the allegations or task the appropriate MAJCOM (or equivalent) IG office to conduct an investigation.

1.3.4.2. Cases in which complainants allege violations of Equal Opportunity and Treatment (EOT) policy by a colonel, colonel select or GM-15 personnel are referred to Social Actions. If SAF/IGQ determines an investigation is necessary by IG officials, IOs will be briefed by EOT personnel prior to interviewing the complainant and will consult with EOT personnel as technical experts throughout the investigation process. Prior to final closure, coordinate the case with HQ USAF/JAG. Following the Appointing Authority's approval of the report, provide EOT personnel with the case findings and provide any command action taken as a result of the case.

1.3.4.3. Ensure all valid allegations are addressed and expeditiously investigated, the findings and conclusions are supported by a preponderance of the evidence (obtain legal review of cases), and command action (when required) has been taken and documented in the report.

1.3.4.4. Notify Director, SAF/IGQ of the results of cases that are not substantiated. At the direction of the Director, SAF/IGQ, provide a letter to the complainant, addressing the allegations and findings, and notify the subject's commander of the same information.

1.3.4.5. Notify the Director, SAF/IGQ and SAF/IG of substantiated cases. Once finalized (closure actions taken including a legal review), at the direction of SAF/IG, notify commander with a copy of the ROI so command action can be taken. Place case file in follow-up until final command actions are received.

1.3.4.6. Act as the Air Force central repository for colonel and colonel select cases or adverse information of any kind (other than AFOSI records) and maintain a data base and SOUIFs on all substantiated colonel and colonel select cases.

1.3.5. Checking Colonel and Colonel Select Files:

1.3.5.1. Conduct file checks requested by HQ USAF/DPO, AFGOMO or SAF/IG.

1.3.5.2. Review Air Force, DoD, and other government investigative files to determine whether they contain derogatory information on colonel or colonel selects.

1.3.6. Case Involving Reprisal and Mental Health Evaluation Referral (in violation of DoDD 6490.1):

1.3.6.1. Ensure all finalized cases involving allegations of reprisal and violations of mental health evaluation referral, regardless of level at which initiated, are forwarded to SAF/IGQ for review.

1.3.6.2. Establish procedures to ensure MAJCOM (or equivalent) and subordinate IGs immediately report to SAF/IGQ (using Attachment 3), any allegation that a mental health evaluation was used in a manner in violation of DoD Directive 6490.1. SAF/IGQ will subsequently report the allegation to IG, DoD within 10 duty days of receipt.

1.3.6.3. Ensure when complainants allege a violation of DoD Directive 6490.1 and reprisal, that reporting requirements for both reprisal and mental health evaluations are completed. Ensure the IO investigates the reprisal allegation and whether the complainant was properly referred for a mental health evaluation.

1.3.6.4. SAF/IGQ will forward a copy of all completed Reprisal Evaluation Review on cases tasked by SAF/IGQ or received from subordinate IG offices to the IG, DoD within 30 calendar days of case closure. For reprisal cases tasked by IG, DoD (DoD 1034 cases), the original case file (with attachments) will be forwarded to the IG, DoD action officer and will contain a chronology of events, acid test(s) for reprisal and the Reprisal Evaluation Review.

1.3.6.5. Review all investigations involving allegations of violations of DoD Directive 6490.1 and provide IG, DoD a copy of the ROI (with attachments) immediately upon completion of the investigation .

1.3.6.6. Provide IG, DoD an interim report when tasked cases are not completed within 90 calendar days of receipt of the tasking and provide a progress report every 30 calendar days thereafter until case is closed. Provide IG, DoD a written report of any disciplinary or administrative action taken against a subject within 7 duty days of such action being taken if the action is not included in the report.

1.3.7. Managing EOT Complaints:

★1.3.7.1. Cases in which complainants allege violations of EOT policy should be referred to Social Actions for resolution. If a case contains both EOT and non-EOT allegations, attempt to separate the EOT allegations and refer these to Social Actions for resolution. If the allegations cannot be separated, or the Appointing Authority determines IG involvement is required, instruct IOs to consult with EOT personnel as technical experts throughout the conduct of the case. Following legal review and the Appointing Authority's approval of the report, provide EOT personnel case findings and any command action taken as a result of the case.

#### 1.3.8. Managing FWA Complaints:

1.3.8.1. Implement an active Air Force FWA program to detect FWA and identify potential FWA during all inspection activities. Notify AFOSI if a complainant suspects fraud. ANG personnel will use established Air Force FWA telephone hotlines.

1.3.8.2. Ensure MAJCOMs (or equivalent) have an active FWA program that fosters open channels of communication and have established controls to protect the identity of individuals who request anonymity or are granted confidentiality.

1.3.8.3. Establish, publicize, and operate an Air Force FWA telephone hotline and ensure each command headquarters and installation has at least one FWA hotline. Ensure the line is either actively monitored or on an answering machine 24 hours per day and ensure FWA information is crossfed within the command to subordinate units.

1.3.8.4. Provide a copy of the FWA tasking letter to the subordinate action IG and IO and retain responsibility for case status reporting until a Hotline Completion Report is received. If during the course of a SAF/IGQ tasked investigation, the allegations are subsequently referred to AFOSI, the Air Force Audit Agency (AFAA), or the Defense Contract Audit Agency (DCAA) for investigation or audit, the tasked organization is released from further reporting requirements after notifying SAF/IGQ of the transfer following the procedures in paragraphs 1.4.8.5. and 1.4.8.6.

1.3.8.5. For all SAF/IGQ tasked cases where AFAA or DCAA are involved, instruct MAJCOM (or equivalent) IG offices to provide SAF/IGQ a copy of the letter requesting audit support and the letter or memo from AFAA or DCAA containing the project number, status, and the point of contact's name, duty location, and phone number. For AFAA cases, continue to complete Hotline reporting requirements.

1.3.8.6. Advise SAF/IG of serious allegations and significant trends disclosed in the MAJCOM (or equivalent) FWA Program Review and certify that all allegations in the complaint are fully addressed and the requirements of this instruction are followed. Review reports for accuracy and sufficiency.

1.3.8.7. Track the status and final disposition of all investigations resulting from disclosures referred to MAJCOM level, including results of criminal prosecution, sentences imposed and monetary recoveries, as well as administrative and other actions taken. Conduct follow-up as required to validate the adequacy of actions taken for FWA cases.

1.3.8.8. Notify MAJCOM (or equivalent) FWA coordinators of discrepancies noted in reports or apparent deficiencies in related investigations. Ensure MAJCOM (or equivalent) FWA coordinators review the audit, inspection, or investigation and submit a revised report.

1.3.8.9. Advise the Director, SAF/IGQ of innovative management procedures and techniques for preventing FWA that could be useful for Air Force or DoD-wide application.

#### 1.3.9. IG Records Release Responsibilities:

1.3.9.1. Act as SAF/IG designee for final release or denial determination for Freedom of Information Act (FOIA), Privacy Act (PA), Official Use, and functional requests for IG complaint records closed (finalized) at SAF level.

1.3.9.2. Process records release (FOIA, PA, Official Use, Discovery and appeal) requests for IG complaint records.

1.3.9.3. Coordinate with the 11 CS/SCSR (FOIA), according to AFI 37-131, *Freedom of Information Act Program*, prior to forwarding to HQ USAF/JAG redacted case files or other records prepared in response to a FOIA request.

1.3.9.4. Consult with HQ USAF/JAG on all records release determinations.

### 1.4. NGB, MAJCOM, FOA and DRU IGs and IGQs.

#### 1.4.1. Responsibilities:

★1.4.1.1. Accept complaints from personnel or organizations within your command or from tenant units and promptly and thoroughly conduct or oversee any required investigations. Notify appropriate NGB, MAJCOM, FOA, or DRU IG of complaints received from tenant personnel. Document correction of substantiated injustices or wrongs and the underlying causes of such. Determine the causes or trends when a significant number of complaints come from the same installation or functional area.

1.4.1.2. Refer criminal allegations to AFOSI. If AFOSI decides not to investigate a criminal matter, obtain documented transfer back to SAF/IG and complete the appropriate category of investigation.

1.4.1.3. Ensure appointing authorities do not initiate an investigation into allegations against themselves or their immediate staff. It is essential to avoid self-investigation or the appearance of such. Elevate the case if it would involve self-investigation or the ability to take corrective action is beyond local authority.

1.4.1.4. Answer all higher headquarters IG taskings within the time constraints stated in the tasking. Provide interim responses when applicable using Attachment 2.

1.4.1.5. Obtain SAF/IGQ review and approval of all MAJCOM, FOA, DRU, or NGB supplements to this instruction prior to publication.

1.4.1.6. Ensure that Investigating Officers (IOs) meet the qualifications specified in paragraph 1.7.2 of this instruction.

1.4.1.7. Ensure Staff Judge Advocates (SJAs) at both MAJCOM (or equivalent) and subordinate units review all reports for legal sufficiency and prepare written legal reviews. If MAJCOMs (or equivalent) want to adopt a lower level legal review, they

may do so. However, certain cases tasked by SAF/IGQ, such as reprisal cases, will require a MAJCOM (or equivalent) legal review (3.3.4.3 and 3.3.4.4).

1.4.1.8. Protect the identity of all complainants making disclosures from anyone outside IG channels. The Appointing Authority may release the name of a complainant when the Appointing Authority determines such disclosure is necessary during the course of an investigation. Never divulge the complainant's name to a subject or any witness or permit them to read the complaint without the IG or Appointing Authority's written permission.

★1.4.1.9. Evaluate the effectiveness of the IG Complaint Program at subordinate units during management inspections or staff assistance visits and ensure that subordinate units have an effective complaint program that fosters good communications. Conduct a personal conference period (PCP) during inspections of subordinate activities if desired.

1.4.1.10. Maintain office files and other complaint records and determine disposition of office files by final case closure dates.

1.4.1.11. Establish, develop, and maintain an active Records Management Program in line with DoDD 5015.2 and AFR 4-20.

1.4.2. Managing Taskings From SAF/IGQ:

1.4.2.1. Immediately upon receipt of a tasking, conduct a complaint analysis to clarify the allegations for category of investigation and either appoint an IO or task a subordinate IG office to investigate the complaint. IOs will follow the witness testimony procedures and guidelines in the SAF/IGQ or command IO Guides. Conduct a thorough Quality Review and forward reports to SAF/IGQ upon finalization.

★1.4.2.2. When deficiencies are identified, reopen the case if necessary to correct any shortcomings. Whenever possible, have the original IO complete the additional work needed and revise the report with an appropriate addendum, update, or correction. Provide a new response to complainant (SROI or letter) when the command position differs from previous conclusions or responses.

1.4.2.3. Determine the final status (substantiated, not substantiated, or inconclusive) for each allegation contained in a complaint by addressing any disagreements between IOs, legal officials, commanders, or reviewers.

1.4.2.4. In cases where the appointing authority, IO, legal review or subsequent IG review presents disagreement with report findings, appointing authority or IG review determinations or, legal reviews, the NGB, MAJCOM, FOA or DRU IG will reach a determination on the issues in dispute before forwarding the report to SAF/IGQ.

★1.4.2.5. For cases not complete by the suspense, provide SAF/IGQ a progress report (format at Atch 2) by the suspense date and every 30 calendar days thereafter.

1.4.3. Receiving and Processing Complaints:

★1.4.3.1. Establish a complaints function to receive and process complaints from any source within your command. Mark documents received from complaints "COMPLAINANT PROVIDED" in the lower right hand corner of each page. Record IG actions in a complaints log or database.

1.4.3.2. Refer complaints which appropriately fall under the purview of another command or agency or under other directives (established grievance channel), or are otherwise not under the purview of SAF/IG, to the proper grievance channel. Notify the complainant of the action taken.

1.4.3.3. May dismiss a complaint, if on preliminary examination of the complaint, you determine no recognizable wrong or violation of law, regulation, or policy; the individual is reporting the injustice or error more than 60 days after learning of the alleged wrong and no extraordinary circumstances exist to justify the delay; or, given the nature of the alleged wrong and passage of time, it is determined to be inconsequential and no special Air Force interests justify investigating the matter. If there are extenuating circumstances, cases should be considered for processing on a case-by-case basis.

1.4.3.4. If a complaint from a member of a tenant unit cannot be resolved locally because it concerns policy or procedures of the complainant's parent command, refer the complainant to the complainant's parent command IG.

1.4.3.5. Conduct investigations into complaints or task subordinate IG offices to conduct investigations into complaints, providing management oversight and Quality Review (QR) of reports to ensure thoroughness and appropriateness. Ensure the IO interviewed the complainant first to clarify the allegations, all key witnesses are interviewed, all the complainant's relevant allegations are addressed and the IO complied with tasking requirements and guidelines within the SAF/IGQ or command IO Guide. Evaluate investigation case files for completeness, impartiality, adequacy, and propriety of command action taken when required.

★1.4.3.6. Cases in which complainants allege violations of Equal Opportunity and Treatment (EOT) policy should be referred to Social Actions for resolution. If a case contains both EOT and other non-EOT allegations, attempt to separate the EOT allegations and refer these to Social Actions for resolution. If the allegations cannot be separated or the Appointing Authority determines IG action is required, instruct subordinate IG offices to consult with EOT personnel as technical experts throughout the conduct of the case. Following the legal review and the Appointing Authority's approval of the report, provide EOT personnel the case findings and any command action taken as a result.

1.4.3.7. Contact the complainant in writing, by phone, or in person within 5 duty days of receipt of the complaint to provide acknowledgment and either case resolution or an update on the status of the case. Provide complainants with interim responses at a minimum, every 60 calendar day intervals thereafter until a final response is provided.



1.4.3.8. In cases where the appointing authority disagrees with the IO's findings or conclusions or legal review, the appointing authority will non-concur with the report (or legal review) in writing as a cover letter to the report, clearly adopting an official position on the disputed item(s).

1.4.3.9. Implement a "Follow-up" program to track cases sent to subordinate units for direct response to the complainant and for cases awaiting command corrective or disciplinary action.

★1.4.3.10. Inform the complainant that he/she may request the complaint be reviewed by the next higher level IG if they are not satisfied with the original investigation and desire such a review. Explain that it is the complainant's responsibility to request this review in writing to the next level IG within 90 days of receiving the IG response and to provide specific reasons why they believe the original investigation was not valid or adequate. Advise the complainant of their responsibility to provide additional information that justifies a higher-level review on previously considered issues. Simply disagreeing with the findings or with the command action taken in response to the findings is not sufficient reason to justify review.

1.4.3.11. Record requests for information or assistance using a system other than the IG Complaint Data Collection System.

1.4.3.12. Higher headquarters is responsible for notifying subordinate units when a case is officially closed.

1.4.4. Quality Review of Cases:

1.4.4.1. Evaluate investigation case files submitted to your level to ensure completeness, impartiality, adequacy of the report and propriety of command action (when required). Conduct follow-up as required to validate the adequacy of actions taken.

1.4.4.2. Notify subordinate IG action offices of discrepancies or deficiencies noted in reports. Return (when required) all case documents and retask cases for any supplemental information (an addendum to the report) required to be incorporated into the original report.

1.4.4.3. Examine cases for systemic problems or trends and notify SAF/IG. Notify appropriate commanders or agencies to ensure resolution or future preventative action.

1.4.4.4. In cases where the NGB, MAJCOM, FOA, or DRU inspector general is the reviewing authority on an IG report (is not the appointing authority), and there is disagreement with the appointing authority's determination, IO's findings or conclusion or legal review, the reviewing IG will non-concur with the report or legal review determinations in writing as a cover letter to the report, clearly adopting an official position on the disputed item(s).

★1.4.5. Managing Complaints Against Senior Official, Colonel, Colonel Selects and GM-15s:

1.4.5.1. Conduct a complaints analysis when allegations are received against a senior official, colonel, colonel selectee or GM-15 and immediately notify your MAJCOM, FOA, DRU, or NGB commander of the allegations or adverse information (of any kind). If the allegations are not obviously frivolous and which, if true, would constitute misconduct, or improper or inappropriate conduct as defined in Atch 1, immediately report this information to SAF/IGS or SAF/IGQ accordingly, using Attachment 3.

1.4.5.2. For senior official cases provide information by an "Eyes Only" data facsimile letter to SAF/IGS when the transmission of the document can be coordinated between the sender and receiver so as to protect the sensitivity of the information or by an "INSPECDIS" message to OSAF Washington DC//IGS//. *Note:* Only SAF/IGS will conduct investigations into Senior Official allegations.

1.4.5.3. For colonel, colonel selectee and GM-15 cases, provide information by an "Eyes Only" data facsimile letter to SAF/IGQ when the transmission of the document can be coordinated between the sender and receiver so as to protect the sensitivity of the information or by an "INSPECDIS" message to OSAF Washington DC//IGQ//. Initiate an investigation into all valid allegations and report findings to SAF/IGQ.

★1.4.5.4. Conduct a Quality Review and closure action on colonel, colonel selectee and GM-15 reports before sending the report to SAF/IGQ for review. Include a MAJCOM (or equivalent) legal review with the report and command actions taken against the subject(s) when applicable. If command action is pending, provide SAF/IGQ a copy or summary of the final disciplinary or administrative action taken immediately upon receipt.

★1.4.5.5. Refer requests for IG records under the Freedom of Information Act (including appeals to previous releases) to the 11 CS/SCSR. Refer requests for IG records under Official Use or Discovery to SAF/IGQ for colonel, colonel select, and GM-15 cases or, SAF/IGS for cases involving senior officials.

★1.4.6. Managing Reprisal and Mental Health Referral Complaints:

1.4.6.1. Immediately notify SAF/IGQ (using Attachment 3), of any allegation received regarding referral to mental health in violation of DoDD 6490.1 **NOTE:** Member's disagreement with referral is not a violation.

1.4.6.2. Immediately investigate any allegation of reprisal or improper referral to mental health.

1.4.6.3. Advise complainants that it is unlawful for anyone to reprise against them for making or preparing to make a protected disclosure and advise them of their right to send their complaint to the IG, DoD (use Attachment 4 for advisement). Assist complainant in sending complaint to IG, DoD if requested and immediately begin an investigation if warranted.

1.4.6.4. For cases tasked by DoD (under section 1034), at closure, obtain MAJCOM, FOA, DRU or NGB level SJA review and ensure a chronology, an acid test on all unfavorable personnel actions, a Reprisal Evaluation and a redacted (in yellow highlighter) copy of the ROI are completed and forwarded with the original ROI and attachments to SAF/IGQ. Include the

commander's statement of action taken or initiated in cases where allegation(s) are substantiated. Comply with the instructions in IGDG 7050.6, *Guide To Military Reprisal Investigations*, and provisions under Chapter 3.

1.4.6.5. For all other reprisal and mental health referral investigations, obtain MAJCOM, FOA, DRU or NGB level SJA review of the case and forward a copy (tabbed/indexed) of the entire case file, with attachments, to SAF/IGQ. Include the commander's statement of action taken or initiated in cases where allegation(s) are substantiated. Include all required checklists or requirements indicated in Chapter 3. Ensure the final response advises the complainant of their right to petition the AFBCMR, regardless of the findings in the case.

1.4.6.6. Ensure when complainants allege reprisal and violations of DoD Directive 6490.1 within the same complaint, the reporting requirements for both reprisal and mental health evaluations are completed. Ensure that the IO investigates the reprisal allegation and whether the complainant was properly referred for a mental health evaluation.

1.4.6.7. Advise both civilian and military members that to gain statutory protection as an IG, DoD Whistleblower, an individual must initiate the complaint with IG, DoD within 60 calendar days of knowing of the suspected reprisal action. Document this advisement using Attachment 4, and include it in the case file. Conduct an investigation regardless of the member's decision to file with the IG, DoD. Refer civilian complainants into appropriate channels (see 1.4.6.8.).

1.4.6.8. IG personnel may accept reprisal complaints from non-military personnel, but must refer (without action) civilian DoD or AF employee complaints to the servicing Civilian Personnel Flight (for processing to the DoD Office of Special Counsel), refer nonappropriated fund (NAF) employees to their local NAF personnel office (for processing and forwarding to IG, DoD) and civilian contractor personnel to the IG, DoD.

1.4.7. Managing EOT Complaints:

★1.4.7.1. Cases in which complainants allege violations of Equal Opportunity and Treatment (EOT) policy should be referred to Social Actions for resolution. If a case contains both EOT and non-EOT allegations, attempt to separate the EOT allegations and refer these to Social Actions for resolution. If the allegations cannot be separated, or the Appointing Authority determines IG involvement is required, instruct IOs to consult with EOT personnel as technical experts throughout the conduct of the case. Following legal review and the Appointing Authority's approval of the report, provide EOT personnel case findings and any command action taken as a result of the case.

1.4.8. Managing FWA Complaints:

1.4.8.1. Implement an active FWA program to detect FWA and identify potential FWA during all inspection activities. Notify AFOSI if a complainant suspects fraud. ANG personnel will use established Air Force FWA telephone hotlines.

1.4.8.2. Ensure subordinate units have an active FWA program that fosters open channels of communication and has established controls to protect the identity of individuals who request anonymity or are granted confidentiality.

1.4.8.3. Establish, publicize, and operate at a minimum one Air Force FWA telephone hotline at command headquarters and one per installation. Ensure the line is either actively monitored or on an answering machine 24 hours per day and ensure FWA information is crossfed within the command to subordinate units.

1.4.8.4. Provide a copy of the FWA tasking letter to the subordinate action IG and IO and retain responsibility for case status reporting until a Hotline Completion Report is forwarded to SAF/IGQ. If during the course of a SAF/IGQ tasked investigation, the allegations are subsequently referred to AFOSI, the Air Force Audit Agency (AFAA), or the Defense Contract Audit Agency (DCAA) for investigation or audit, the tasked organization is released from further reporting requirements after notifying SAF/IGQ of the transfer.

1.4.8.5. For all SAF/IGQ tasked cases referred to the AFOSI, provide SAF/IGQ a letter, memo, AFOSI Form 158, (**NEED FORM TITLE**) or AFOSI case initiation documentation from AFOSI confirming transfer. Include the case number and the case agent's name, duty location, and phone number.

1.4.8.6. For all SAF/IGQ tasked cases where AFAA or DCAA are involved, provide SAF/IGQ a copy of the letter requesting audit support and the letter or memo from AFAA or DCAA containing the project number, status, and the point of contact's name, duty location, and phone number. For AFAA cases, continue to complete Hotline reporting requirements.

1.4.8.7. Advise the commander of serious allegations and significant trends disclosed in the MAJCOM FWA Program Review and certify that all allegations in the complaint are fully addressed and the requirements of this instruction are followed. Review the report for accuracy and sufficiency prior to forwarding to SAF/IGQ.

1.4.8.8. Track the status and final disposition of all investigations resulting from disclosures received at the MAJCOM level or referred by SAF/IGQ. Provide SAF/IGQ the results of criminal prosecution to include sentences imposed and monetary recoveries, as well as administrative and other actions taken. Conduct follow-up as required to validate the adequacy of actions taken for FWA cases.

★1.4.8.9. Notify organizational FWA coordinators of discrepancies noted in reports intended for SAF/IGQ or apparent deficiencies in related investigations. Ensure the FWA coordinators review the audit, inspection, or investigation and submit a revised report.

1.4.8.10. Send information to SAF/IGQ concerning innovative management procedures and techniques for preventing FWA that could be useful for Air Force or DoD-wide application.

1.4.8.11. Notify other command IGs of alleged FWA reported or discovered within an activity of another command.

1.4.9. Publicity:

★1.4.9.1. Ensure command personnel are aware of how to use the IG system and of Air Force policy on reprisal and mental health evaluations. Publicize the IG Complaints Program through base bulletins, base newspapers, newcomers' orientations, leadership schools, staff meetings, Commanders' Calls, and by visiting work areas.

1.4.9.2. Ensure subordinate units place an IG Complaint and FWA Program Poster in each squadron in high traffic areas (for maximum exposure), reflecting each IG's name, location, and other identifying information. Promote widespread understanding of IG programs, projects, and procedures by explaining in advance new or modified Air Force policies and IG programs. Educate, inform, and prepare all Air Force personnel for impending Air Force program changes using all available media in an effort to prevent misunderstanding and complaints.

1.4.10. Data Collection (RCS: HAF-IGQ [AR] 7701, **USAF Complaints System Reporting**):

1.4.10.1. RCS: HAF-IGQ[AR] 7701 is designated emergency status code C-3. Continue reporting during emergency conditions, delayed precedence. Submit data requirements as prescribed, but they may be delayed to allow submission of higher precedence reports. Submit by nonelectronic means, if possible. Complete an AF Form 102, using the AF Form 102 Guide, for each complaint responded to by the IG system under the command. The tasking agency (the level which responds to the complainant or representative) is responsible for completing the AF Form 102. This includes each personal complaint, DoD/Air Force FWA allegation, Congressional, or high-level investigation received.

1.4.10.2. Input all AF Forms 102 data on cases closed (finalized) at your level into the IG Complaint Data Collection system by the 5th of each month. Those FOAs and DRUs without update capability must forward their AF Forms 102 to SAF/IGQ by the 5th of each month for updating.

## **1.5. Numbered Air Force, Center, Wing/Installation, or Group IG.**

1.5.1. Responsibilities:

1.5.1.1. Establish implementing instructions and policies for complaints programs and document correction of substantiated injustices or wrongs and the underlying causes of such. Determine trends when significant numbers of complaints come from the same installation or functional area.

1.5.1.2. Conduct Quality Review of reports for completeness, impartiality and propriety of action taken. Ensure SJAs review ROIs in writing for sufficiency and ensure IOs meet the qualifications specified in paragraph 1.7.2.

1.5.1.3. Ensure the Appointing Authority does not initiate an investigation into allegations against themselves or their immediate staff. It is essential to avoid self-investigation or the appearance of such. Elevate the case if it would involve self-investigation or the ability to take corrective action is beyond local authority.

1.5.1.4. Ensure no one is prevented or hindered from making protected disclosures and advise complainants that it is unlawful for anyone to reprise against them for making or preparing to make a protected disclosure to an IG or any member of an audit, inspection, investigation, law enforcement organization, established grievance channel or chain of command as defined by this instruction.

1.5.1.5. Answer all higher headquarters IG taskings within the time constraints stated in the tasking. Provide progress reports through MAJCOM (or equivalent) IG office as required using Attachment 2.

1.5.1.6. Determine disposition of office files upon closure. Higher headquarters is responsible for notifying subordinate units when a case is officially closed.

1.5.1.7. Conduct an investigation into any allegation of reprisal or any allegation that an Air Force member was improperly referred for a mental health evaluation in violation of DoD Directive 6490.1.

1.5.1.8. Respond and record requests for information or assistance using a system other than the IG Complaint Data Collection System.

1.5.2. Establishing and Managing a Complaint Program:

★1.5.2.1. Establish an investigation and complaints function to receive and process complaints. Conduct oversight and Quality Review for investigations into allegations, ensuring thoroughness and impartiality, and appropriateness of any command action taken.

1.5.2.2. Protect the identity of all complainants from anyone outside IG channels. Only the Appointing Authority may grant anonymity or approve release of the name of a complainant. Never divulge a complainant's name to a subject or to any witness, or permit them to read the complaint without the IG or Appointing Authority's written permission.

★1.5.2.3. Develop a "Follow-up" program to track cases sent to subordinate units for direct response to the complainant and for cases awaiting command action.

1.5.2.4. Evaluate the effectiveness of the IG Complaint Program at subordinate units during management inspections or staff assistance visits and ensure that subordinate units have an effective complaint program that fosters good communications. Conduct PCPs during inspections of subordinate units if desired.

1.5.2.5. Maintain office files and other complaints records.

### 1.5.3. Receiving and Processing Complaints:

1.5.3.1. Receive, record (in an established data base), and process complaints from any source (including anonymous) regarding members assigned to your headquarters, center or installation. Record IG actions in a complaints log or database and mark documents received "COMPLAINANT PROVIDED" in the lower right hand corner of each page.

1.5.3.2. Immediately report all allegations or adverse information against Senior Officials, colonels, colonel selects and GM-15 personnel through your IG chain of command to SAF/IGS or SAF/IGQ respectively (see paragraph 1.5.4.).

1.5.3.3. Promptly and thoroughly conduct (or oversee) investigations into all relevant complaints against colonels and below which fall under the purview of the IG and are not subject to redress through another established grievance channel.

1.5.3.4. Refer complaints which appropriately fall under the purview of another agency under other directives (other established grievance channel), or are otherwise not under the purview of SAF/IG, to proper grievance channel. Notify the complainant of the action taken.

★1.5.3.5. May dismiss a complaint if on a preliminary examination it is determined there is no recognizable wrong or violation of law, regulation, or policy. May also dismiss the complaint if the individual is reporting the injustice or error more than 60 days after learning of the alleged wrong and no extraordinary circumstances exist to justify the delay or given the nature of the alleged wrong and passage of time, no special Air Force interest justify investigating the matter. The most important consideration is the potential to gather sufficient facts to make a determination on the allegation. If there are extenuating circumstances, cases should be considered for processing on a case-by-case basis.

1.5.3.6. If a complaint from a member of a tenant unit cannot be resolved locally because it concerns policy or procedures of the complainant's parent command, the IG refers the complaint to the complainant's parent command.

1.5.3.7. Contact the complainant in writing, by phone, or in person within 5 duty days of receipt of the complaint to provide acknowledgment of receipt of the case. Provide complainant with an interim response at a minimum, every 60 calendar days thereafter until a final response is provided.

1.5.3.8. Ensure the IO uses the SAF/IGQ (or command/local supplemented) IO Guide for acceptable format and procedures on interviewing witnesses, conducting investigations and writing reports.

1.5.3.9. When deficiencies in IO reports are identified, have the original IO (whenever possible) complete the necessary work and supplement the report with the appropriate addendum, update, or correction.

1.5.3.10. In cases where there is disagreement with the IO's findings and conclusions, the Appointing Authority, or higher-level command authority who tasked the lower level to investigate, must clearly adopt a position on all material issues. The Appointing (or command) Authority's position must be in writing (part of the case file) and becomes the determinant of the final status (substantiated, not substantiated, or inconclusive) for each allegation contained in a complaint by addressing any disagreements between IOs, legal officials, commanders, or reviewers.

1.5.3.11. If the case is administratively complete and legally sufficient but the Appointing Authority disagrees with the IOs conclusions, they may write an additional SROI or response and attach a letter of explanation documenting reasons for their position. These documents become part of the case file.

1.5.3.12. After receipt of a complaint or information from a complainant, IGs will not disclose the identity of the complainant unless the IG or Appointing Authority determines such disclosure is necessary to the investigation.

1.5.3.13. Inform complainants they may request the complaint be reviewed by the next higher level IG if they are not satisfied with the original investigation and desire such a review. Explain that it is the complainant's responsibility to request this review in writing to the next level IG within 90 days of receiving the IG response and to provide specific reasons why they believe the original investigation was not valid or adequate. Advise complainants of their responsibility to provide additional information that justifies a higher-level review on previously considered issues. Simply disagreeing with the findings or with the command action taken in response to the findings is not sufficient reason to justify review.

1.5.3.14. Do not release records related to IG investigations outside IG channels without the approval of SAF/IGQ or an IG representative designated by SAF/IGQ.

1.5.3.15. Ensure each individual designated to receive disclosures or conduct investigations is familiar with AFD 90-3 and this instruction.

### ★1.5.4. Managing Complaints Against Senior Officials, Colonels, Colonel Selects and GM-15s:

1.5.4.1. Conduct a complaints analysis when allegations are received against a senior official, colonel, colonel selectee or GM-15 and immediately notify your NAF, Wing/Installation commander of the allegations or adverse information (of any kind). If the allegations are not obviously frivolous and which, if true, would constitute misconduct, or improper or inappropriate conduct as defined in Atch 1, immediately report this information to your MAJCOM or equivalent IG office for forwarding to SAF/IGS or SAF/IGQ accordingly, using Attachment 3.

1.5.4.2. For senior official cases provide information by an "Eyes Only" data facsimile letter to your MAJCOM or equivalent IG office for forwarding to SAF/IGS when the transmission of the document can be coordinated between the sender and receiver so as to protect the sensitivity of the information or by an "INSPEDIS" message to OSAF Washington DC//IGS//.

*Note:* Only SAF/IGS will conduct investigations into Senior Official allegations.

1.5.4.3. For colonel, colonel selectee and GM-15 cases, provide information by an “Eyes Only” data facsimile letter to your MAJCOM or equivalent IG office for forwarding to SAF/IGQ when the transmission of the document can be coordinated between the sender and receiver so as to protect the sensitivity of the information or by an “INSPECDIS” message to OSAF Washington DC//IGQ//. Upon instruction from your MAJCOM or equivalent IG office, initiate an investigation into all valid allegations and report findings to your MAJCOM or equivalent IG office for forwarding to SAF/IGQ.

★1.5.4.4. Conduct a Quality Review and closure action on colonel, colonel selectee and GM-15 reports before sending the report to MAJCOM or equivalent IG office for review. Include a legal review with the report and command actions taken against the subject(s) when applicable. If command action is pending, provide your MAJCOM or equivalent IG office a copy or summary of the final disciplinary or administrative action taken immediately upon receipt.

★1.5.4.5. Refer requests for IG records under the Freedom of Information Act (including appeals to previous releases) to the 11 CS/SCSR. Refer requests for IG records under Official Use or Discovery to SAF/IGQ for colonel, colonel select, and GM-15 cases or, SAF/IGS for cases involving senior officials.

#### 1.5.5. Managing Reprisal and Mental Health Evaluation Referral Complaints:

1.5.5.1. Expeditiously investigate any allegation of reprisal for making a protected disclosure. Conduct or oversee all cases where an allegation is made that the complainant was referred for a mental health evaluation in violation of DoD Directive 6490.1 (see Chapter 3 for reporting requirements).

1.5.5.2. Ensure all cases conducted into allegation(s) of reprisal or improper mental health referral are forwarded through the IG chain of command to SAF/IGQ after the Appointing Authority’s written concurrence or nonconcurrence of the report. Include the commander’s statement of action taken or initiated in cases where allegation(s) are substantiated.

1.5.5.3. Ensure when complainants allege reprisal and a violation of DoD Directive 6490.1, the reporting requirements for both reprisal and mental health evaluations are completed. Ensure the IO investigates the reprisal allegation and whether the complainant was properly referred for a mental health evaluation.

1.5.5.4. Comply with the instructions in IG, DoD’s *Guide To Investigating Reprisal* (IGDG 7050.6), DoDD 7050.6, DoDD 6490.1 and this instruction (see Chapter 3). Ensure the IO and Appointing Authority complete a proper chronology of events, a reprisal acid test for each personnel action and the Reprisal Evaluation.

1.5.5.5. For DoD tasked 1034 cases, forward the original case file and a yellow highlighted copy with proposed redactions and exemptions through the IG chain of command to SAF/IGQ. In the event deficiencies are identified, higher headquarters will return the case file to be reaccomplished and supplemented as necessary. Ensure corrections are made and appropriate documentation associated with the corrections are included in the case file.

1.5.5.6. Advise both civilian and military members that to gain statutory protection as an IG, DoD Whistleblower, an individual must initiate the complaint with IG, DoD within 60 calendar days of knowing of the suspected reprisal action. Document this advisement using Attachment 4, and include it in the case file. Refer civilian complainants into appropriate channels (see 1.5.5.8).

★1.5.5.7. Immediately begin a reprisal investigation into the complaint, regardless of where the complainant decides to file. The reply given to the complainant must advise the member of the right to petition the Air Force Board for Correction of Military Records (AFBCMR), regardless of the outcome.

1.5.5.8. May accept reprisal complaints from civilian Air Force employees but inform civilians their reprisal complaints cannot be worked in Air Force IG channels. Refer civilian complainants to the servicing Civilian Personnel Flight for counseling on their rights and subsequent referral to the DoD Office of Special Counsel. Refer nonappropriated fund (NAF) employees and civilian contractors to IG, DoD.

1.5.5.9. Immediately report (through MAJCOM or equivalent IG office) to SAF/IGQ any allegation that a military member was referred in violation of DoD Directive 6490.1 (see reporting format at Attachment 3) and provide SAF/IGQ a copy of the report (through MAJCOM or equivalent) upon completion of the investigation .

1.5.5.10. Provide MAJCOM or equivalent a progress report on all cases using Attachment 2 by the suspense date and every 30 days thereafter until the case is closed.

1.5.5.11. Provide MAJCOM or equivalent a written statement of any disciplinary or administrative action(s) taken against the subject(s) immediately after such action is taken.

#### 1.5.6. Managing EOT Complaints:

★1.5.6.1. Cases in which complainants allege violations of Equal Opportunity and Treatment (EOT) policy should be referred to Social Actions for resolution. If a case contains both EOT and non EOT allegations, attempt to separate the EOT allegations and refer these to Social Actions for resolution. If the allegations cannot be separated, or the Appointing Authority determines IG involvement is required, instruct IOs to consult with EOT personnel as technical experts throughout the conduct of the case. Following legal review and the Appointing Authority’s approval of the report, provide EOT personnel case findings and any command action taken as a result of the case.

#### 1.5.7. Managing FWA Complaints:

1.5.7.1. Implement an active FWA program to detect FWA and identify potential FWA during all inspection activities. Notify AFOSI if a complainant suspects fraud. ANG personnel will use established Air Force FWA telephone hotlines.

1.5.7.2. Ensure units have an active FWA program that fosters open channels of communication and have established controls to protect the identity of individuals who request anonymity or are granted confidentiality.

1.5.7.3. Establish, publicize, and operate at a minimum one Air Force FWA telephone hotline per headquarters or installation. Ensure the line is either actively monitored or on an answering machine 24 hours per day and ensure FWA information is crossfed within the command to subordinate units.

1.5.7.4. Provide a copy of the FWA tasking letter to the IO and retain responsibility for case status reporting until a Hotline Completion Report is forwarded to MAJCOM (or equivalent) IG office. If during the course of an investigation the allegations are subsequently referred to AFOSI, the Air Force Audit Agency (AFAA), or the Defense Contract Audit Agency (DCAA) for investigation or audit, the tasked organization is released from further reporting requirements.

1.5.7.5. Any case tasked to you by a higher-level IG and later referred to another agency must be reported to your MAJCOM (or equivalent) IG office. For all cases referred to the AFOSI, provide your MAJCOM (or equivalent) IG office a letter, memo, AFOSI Form 158, or AFOSI case initiation documentation from AFOSI confirming transfer. Include the case number and the case agent's name, duty location, and phone number.

1.5.7.6. For all cases tasked to you by a higher-level IG where AFAA or DCAA are involved, provide your MAJCOM (or equivalent) IG office a copy of the letter requesting audit support and the letter or memo from AFAA or DCAA containing the project number, status, and the point of contact's name, duty location, and phone number. For AFAA cases, continue to complete Hotline reporting requirements.

1.5.7.7. Have an IG official review and certify all allegations in the complaint are fully addressed and the requirements of this instruction are followed. Review the report for accuracy and sufficiency prior to forwarding as tasked.

1.5.7.8. Advise the commander of serious allegations and significant trends disclosed in the FWA Program Review and certify that all allegations in the complaint are fully addressed and the requirements of this instruction are followed. Review the report for accuracy and sufficiency prior to forwarding through command channels to SAF/IGQ.

1.5.7.9. Provide the tasking agency with the results of criminal prosecution to include sentences imposed and monetary recoveries, as well as administrative and other actions taken.

1.5.7.10. Notify organizational FWA coordinators of discrepancies noted in reports intended for SAF/IGQ or apparent deficiencies in related investigations. Ensure the FWA coordinators review the audit, inspection, or investigation and submit a revised report.

1.5.7.11. Send information to SAF/IGQ through IG chain of command concerning innovative management procedures and techniques for preventing FWA that could be useful for Air Force or DoD-wide application.

1.5.7.12. Notify other IGs of alleged FWA reported or discovered within an activity of another command.

#### 1.5.8. Publicity:

1.5.8.1. Ensure headquarters or installation personnel are aware of how to use the IG system and of Air Force policy on reprisal and mental health evaluations. Publicize the IG Complaints Program through base bulletins, base newspapers, newcomers' orientations, leadership schools, staff meetings, Commanders' Calls, and by visiting work areas.

1.5.8.2. Place an IG Complaint and FWA Program Poster in each headquarters or squadron and high traffic areas (for maximum exposure), reflecting each IG's name, location, and other identifying information. Promote widespread understanding of IG programs, projects, and procedures by explaining in advance new or modified Air Force policies and IG programs. Educate, inform, and prepare all Air Force personnel for impending Air Force program changes using all available media in an effort to prevent misunderstanding and complaints.

#### 1.5.9. Data Collection (RCS: HAF-IGO [M] 7701, *USAF Complaints System Reporting*):

1.5.9.1. RCS: HAF-IGO[M] 7701 is designated emergency status code C-3. Continue reporting during emergency conditions, delayed precedence. Submit data requirements as prescribed, but they may be delayed to allow the submission of higher precedence reports. Submit by nonelectronic means, if possible. Complete an AF Form 102, using the AF Form 102 Guide, for each complaint responded to by the IG system under your command or installation. The tasking agency (the level which responds to the complainant or representative) is responsible for completing the AF Form 102. This includes each personal complaint, DoD/Air Force FWA allegation, Congressional, or high-level inquiry received.

1.5.9.2. Maintain a log (database) on all cases. Input all AF Forms 102 data on cases closed (finalized) at your level into the IG Complaint Data Collection system by the 5th of each month. Those organizations without update capability must forward their AF Forms 102 to their MAJCOM or equivalent by the 5th of each month for updating.

## **1.6. Commanders.**

### **1.6.1. Responsibilities:**

1.6.1.1. Appoint IGs in writing pursuant with AFD 90-3 and this instruction when valid authorizations do not exist. Ensure individuals designated to process complaints are familiar with these and other applicable instructions. Ensure your IG office understands how to process civilian complaints as covered by government directives and the local union agreements. Appoint a suitable alternate when the IG is not available due to temporary duty (TDY), leave, and so on.

1.6.1.2. Encourage individuals to request advice from the IG on any issue that is or could become a complaint. Encourage individuals to use the IG Complaint Program when other avenues are not available.

★1.6.1.3. Conduct personal conference periods (PCPs) during management inspections of subordinate units or activities if desired.

★1.6.1.4. Issue permissive travel orders for complainants to make complaints to off-station IGs if the complainant's commander believes the circumstances justify. Authority to travel TDY is at the complainant's commander's sole discretion and is funded through unit funds. Requests to travel to meet with SAF/IG personnel must be approved by SAF/IGS or SAF/IGQ prior to complainant's commander approving the TDY request.

1.6.1.5. Address anonymous complaints which do not fall within the purview of another established grievance channel either by internal unit action (which might include a commander-directed investigation (CDI) in appropriate cases) or by referring the complaint to IG channels.

★1.6.1.6. The inherent authority vested in commanders can be used to direct commander-directed investigations but, commanders will not use their IGs as Commander-Directed Investigating Officers. Matters deemed appropriate for IG investigation should be appropriately referred into IG channels.

★1.6.1.7. Commanders will not take a complaint submitted by a complainant into IG channels for disposition under a commander-directed investigation. A complainant may withdraw a complaint from IG channels and resubmit the complaint through command channels for resolution.

1.6.1.8. Ensure IOs are assisted by experts and legal counsel, as necessary.

1.6.1.9. Resolve complaints and follow-up on corrective actions, if required, on all complaint investigations.

★1.6.1.10. Provide follow-up response to appropriate appointing authority (or IG) on command action taken in response to substantiated misconduct or recommendations made by the Appointing Authority as a result of an IG investigation.

1.6.1.11. Refer suspected criminal or subversive activities or allegations to AFOSI for investigation. Do not process these matters in IG channels.

### **1.6.2. Center or Wing/Installation Commander:**

1.6.2.1. If there is no Installation IG manning position, appoint the vice or deputy commander in writing, to be the Center or Wing/Installation IG, or designate a senior officer or civilian to function as the IG when there is no full time vice or deputy commander. Contact SAF/IG for waivers when appropriate.

★1.6.2.2. Establish a FWA telephone hotline available to receive calls 24 hours per day (one hotline per base is sufficient).

1.6.2.3. Follow instructions as provided in paragraph 1.6.1 and paragraphs 1.6.5 through 1.6.10.2.

### **1.6.3. Group, Squadron, or Comparable Organization Commander:**

1.6.3.1. At locations where there is no wing/installation commander, the unit or organizational commander performs the IG responsibilities normally performed by a wing or vice commander.

★1.6.3.2. Establish a FWA telephone hotline available to receive calls 24 hours per day (one hotline per base is sufficient).

1.6.3.3. Follow instructions as provided in paragraph 1.6.1 and paragraphs 1.6.5 through 1.6.10.2.

### **1.6.4. Commander of an Air Force Organization Supporting a Joint Service Activity:**

1.6.4.1. Abide by the obligations and responsibilities in this instruction. Follow instructions as provided in paragraph 1.6.1 and paragraphs 1.6.5 through 1.6.10.2.

★1.6.4.2. Establish a FWA telephone hotline available to receive calls 24 hours per day (one hotline per base is sufficient).

### **1.6.5. Publicizing the IG Complaint Program:**

1.6.5.1. Commanders at all levels must make Air Force personnel aware of how to use the IG Complaint Program and of the Air Force policy on reprisal and referral for mental health evaluations. Publicize the IG Complaints Program through base bulletins, base newspapers, newcomers' orientations, leadership schools, staff meetings, Commanders' Calls, and by visiting work areas.

1.6.5.2. Place an IG Complaint/FWA Program Poster reflecting each IG's name, location, and other identifying information in each squadron and in high traffic areas for maximum exposure.

1.6.5.3. Promote understanding with IG publicity programs by explaining in advance new or modified functional programs, projects, and procedures. Educate, inform, and prepare all Air Force personnel for impending changes using all available media in an effort to prevent misunderstanding.

1.6.5.4. Relate Air Force and DoD efforts to stop wrongdoing and indicate what is being done to prevent reprisal and malfeasance. Ensure all releases adhere to the PA and FOIA requirements. Consult with a SJA on every public release.

#### 1.6.6. Preventing and Investigating Reprisal and Violations of DoDD 6490.1:

1.6.6.1. Ensure every individual is free to communicate with an IG and protect individuals from reprisal or retaliation for participating in an IG case or making a protected disclosure.

1.6.6.2. Ensure your IG immediately investigates allegations of reprisal or improper referral to mental health (in violation of DoDD 6490.1). Take corrective action in substantiated cases, to include supporting correction of the records of a military member and ensuring that disciplinary action is taken where appropriate. Disciplinary and corrective actions must be documented and sent through IG chain of command to SAF/IGQ. Follow the instructions in Chapter 3.

1.6.6.3. Ensure you conform to the requirements in DoD Directive 6490.1 and AFI 44-109, when referring members for mental health evaluations.

#### 1.6.7. Referring Cases to Higher Authority:

1.6.7.1. Complaints lodged against yourself or members of your immediate staff (members who you rate) should be elevated to the next higher IG level for investigation and resolution at that level. Refer a complaint to the next higher level of command if there is any doubt as to what level should investigate the complaint.

#### 1.6.8. Reporting Allegations or Adverse Information Against Senior Official, Colonel, Colonel Select or GM-15:

★1.6.8.1. Immediately notify your NGB, MAJCOM, FOA, DRU, or other appropriate commander (or IG office) upon receiving or becoming aware of any previously unreported allegation or adverse information (of any kind) against a Senior Official, colonel, colonel selectee or GM-15, using Attachment 3.

★1.6.8.2. Immediately notify your NGB, MAJCOM, FOA, DRU, or other appropriate commander when charges are preferred against a Senior Official, colonel, or colonel selectee, when such charges are referred to a court-martial, or when they are the subject of an Article 32, UCMJ, investigation.

★1.6.8.3. Provide this information to your IG office when the transmission of the document can be coordinated between the sender and receiver so as to protect the sensitivity of the information.

1.6.8.4. Initiate an investigation into all relevant allegations against colonels, colonel selects, and GM-15s (not Senior Officials). Upon completion of the report, immediately forward the original case file of all colonel, colonel selectee, and GM-15 IG and commander-directed inquiries/investigations to your MAJCOM (or equivalent) IG office, with a written report of any disciplinary or administrative action taken against the colonel, colonel select, or GM-15 as a result of any substantiated findings. Report progress on judicial action undertaken and other corrective actions related to the case.

★1.6.8.5. Refer requests for IG records under the Freedom of Information Act (including appeals to previous releases) to the 11 CS/SCSR. Refer requests for IG records under Official Use or Discovery to SAF/IGQ for colonel, colonel select, and GM-15 cases or, SAF/IGS for cases involving senior officials.

#### 1.6.9. Managing EOT Complaints:

★1.6.9.1. Cases in which complainants allege violations of Equal Opportunity and Treatment (EOT) policy should be referred to Social Actions for resolution. If a case contains both EOT and non EOT allegations, attempt to separate the EOT allegations and refer these to Social Actions for resolution. Place the non-EOT issues with the IG or conduct a commander-directed investigation. If the allegations cannot be separated, or the Appointing Authority determines IG involvement is required, instruct IOs to consult with EOT personnel as technical experts throughout the conduct of the case. Following legal review and the Appointing Authority's approval of the report, provide EOT personnel case findings and any command action taken as a result of the case.

#### 1.6.10. Managing FWA Complaints:

1.6.10.1. Notify the accounting and finance officer of the specific dollar amount to be recouped after determination of the dollar amount of losses of cash, property, or services and whether losses warrant recoupment actions to protect government interests in FWA cases.

1.6.10.2. Review the responsibilities of supervisory personnel when waste or abusive practices are confirmed.

### 1.7. Appointing Authority.

#### 1.7.1. Responsibilities:

1.7.1.1. Must cite AFI 90-301, paragraph 1.7.2. when directing investigations into complaints filed in IG channels. Commanders should not use IG personnel to conduct commander-directed investigations. Commanders will not take a complaint submitted by a complainant into IG channels for disposition under a commander-directed investigation. A complainant may withdraw a complaint from IG channels and then resubmit the complaint through command channels for resolution.

★1.7.1.2. Following the Appointing Authority's approval of Reports of Investigations into EOT matters, provide EOT personnel with the case findings and any command action taken as a result of the case.

1.7.1.3. Direct the conduct of investigations at a command level capable of accomplishing an impartial and unbiased investigation.



1.7.1.4. Ensure when complainants allege reprisal and a violation of DoD Directive 6490.1 (see Chapter 3), that the reporting requirements for both reprisal and mental health evaluations are completed. Ensure the IO looks into the reprisal allegation and whether the complainant was properly referred for a mental health evaluation.

1.7.1.5. Do not initiate an investigation into complaints lodged against yourself or pertaining to individuals who report directly to you. Avoid self-investigation or the appearance of such. These complaints must be referred to the next higher command level for investigation and resolution.

1.7.1.6. Take prompt action to look into any allegation that is relevant to Air Force interests. Complaints may be dismissed by IGs if on preliminary examination of the complaint you determine no recognizable wrong or violation of law, regulation, or policy, the individual is reporting the injustice or error more than 60 days after learning of the alleged wrong and no extraordinary circumstances exist to justify the delay, or given the nature of the alleged wrong and passage of time, no special Air Force interests justify investigating the matter. If there are extenuating circumstances, cases should be considered for processing on a case-by-case basis.

1.7.1.7. Refer matters involving allegations of fraud, espionage, sabotage, treason, subversion, disloyal statements, disaffection, or other criminal offenses to the AFOSI.

1.7.1.8. In cases where the appointing authority disagrees with the IO's findings or conclusions or legal review, the appointing authority will non-concur with the report (or legal review) in writing as a cover letter to the report, clearly adopting an official position on the disputed item(s).

1.7.2. Assigning and Formally Appointing Investigating Officers (IOs):

1.7.2.1. Ensure that IOs are an E-7 or above or civil service employee holding an equivalent commissioned officer's grade; equal to or senior in grade to subjects (not applicable for SAF/IGS); are separated by at least one level of command or by functional assignment from the complainant and organization or person(s) who are the subject(s) of the allegations (not applicable to ANG); and are impartial, unbiased, and totally objective. Any deviation should be coordinated with your MAJCOM or higher headquarters and documented in the ROI.

1.7.2.2. Convey authority and provide written guidance to the IO citing paragraph 1.7.2 as the authority for conducting an IG investigation into a personal complaint or FWA allegations. You may give the authority to an IO by special order, message, or letter. In cases of emergency, you may verbally appoint an IO; however, you must follow-up with a written directive within 3 duty days (sample appointment letter at Attachment 5).

1.7.2.3. The investigation will be the IO's only duty (unless determined otherwise by the Appointing Authority) until the report is complete and approved by the Appointing Authority. IOs should generally not take leave except in emergencies or be involved with activities that would interfere with the timely completion of the case. Do not appoint IOs who are retiring, separating, or expect reassignment within 180 days.

1.7.2.4. Instruct IOs to use the SAF/IGQ (or command/local supplemented) IO Guide for acceptable format and procedures on interviewing witnesses, conducting investigations and writing reports. Evaluate any new allegations and decide whether they should be included in the present case or should be handled separately. Instruct IOs that they may accept any documentation from a subject, witness or complainant during the course of the case that is relevant to the allegations. IOs should include all relevant documentation provided as attachments to the report.

1.7.3. Overseeing IOs:

★1.7.3.1. Instruct IOs to immediately inform the IG if they receive an allegation or information of an adverse nature against a Senior Official, colonel, or colonel select.

★1.7.3.2. Ensure that IOs communicate closely with the local IG and SJA throughout the case. Ensure supporting IG and SJA personnel instruct the IO on how to identify the elements of an offense and how to gather pertinent information from all available sources. Ensure IOs appointed to conduct a case into EOT violation allegations receive a prebriefing from EOT personnel and attach an EOT person to the team as a technical advisor.

1.7.3.3. Ensure IOs read this and all other applicable instructions, conduct a thorough investigation, and produce a quality report which can withstand close scrutiny. Provide any IO support necessary to complete the case to include interview areas, transcription service, tape recorder and tapes, and other supplies.

1.7.3.4. If you desire, instruct the IO to make recommendations concerning Air Force processes and programs or correction of injustices discovered. Direct them not to make recommendations concerning specific punishment actions. It is at your discretion to concur or nonconcur with the IO's recommendations. If you nonconcur, document your reasons for disagreement in writing (MFR or otherwise) for inclusion in the case file.

1.7.4. Managing the Conduct of the Investigation:

★1.7.4.1. Investigations may be conducted by the IG and IG staff or by the appointment of an Investigating Officer (IO). IGs conduct Category I Investigations and may gather information through any method of fact finding required. IGs are required to document their investigation by a memorandum for record or a Summary Report of Investigation, whichever is deemed appropriate. Category II Investigations require the appointment of an IO. Testimony may be either transcribed verbatim or summarized and signed by the IO, depending on the determination of the Appointing Authority. However, carefully consider

having the complainant's and subject's testimony transcribed verbatim for every case as well as the testimony of any key witness(es). The IO will turn over to the IG all recording tapes, discs, memos, and so on, once a report has been completed and approved. SJAs will advise on destruction of tapes and notes.

1.7.4.2. Ensure judge advocates are involved during the entire investigative process. The Appointing Authority or IG may request an attorney be designated to advise the IO. Ensure an independent judge advocate (not the person assisting the IO) reviews the report for legal sufficiency before the report is finalized using AF Form 2519, All Purpose Checklist, and the items listed in Attachment 16.

1.7.4.3. Appointing Authorities must approve or disapprove requests, in writing, from the IO to grant express confidentiality for witnesses after consulting with the SJA to determine necessity and advisability.

## **1.8. Staff Judge Advocates (SJA).**

### **1.8.1. Responsibilities:**

1.8.1.1. Ensure FWA prevention is made a part of every command's Preventive Law Program. Provide appropriate legal assistance to support FWA investigations and remedial actions.

1.8.1.2. Provide appropriate legal support for IG cases and remedial or disciplinary actions. Brief and advise IOs as required during the course of the investigation.

1.8.1.3. SJAs will normally review reports for legal sufficiency before commanders review the report. The attorney performing this legal review must be someone other than the person assigned to advise the IO. Provide comprehensive legal sufficiency reviews for investigative reports (as determined necessary by the IG), to ensure each allegation has been addressed, allegations allege a wrong or violation of law, regulation, or policy, findings of fact are supported by a preponderance of the evidence, and conclusions and recommendations are supported by the findings of fact. The legal review may provide pertinent comments or recommendations. HQ USAF/JAG will provide legal sufficiency reviews for Senior Official cases.

★1.8.1.4. Assist in reminding commanders of their responsibility to immediately notify SAF/IGS (for Senior Officials) or SAF/IGQ (for colonels, colonel selects and GM-15s) through the chain of command when notified of allegations or adverse information of any kind against a Senior Official, colonel, colonel select or GM-15. Commanders must make notifications whenever Article 15 action is taken (upon completion of the action and appeal, if any) or when charges are preferred against a Senior Official, colonel, or colonel select. When court-martial charges are involved, commanders should make follow-on notification when the charges are referred to trial and again at the conclusion of the trial.

1.8.1.5. Advise Appointing Authorities on the disposition of materials gathered during investigations such as recording tapes, discs, memos, and so on.

## **★1.9. Investigating Officer (IO).**

### **1.9.1. Responsibilities:**

1.9.1.1. Investigating Officers (IOs) are directed to conduct an investigation at the direction of an Appointing Authority or Inspector General. While an IO's official actions are independent of the normal chain of command, he/she must be tactful and discreet when conducting the investigation.

1.9.1.2. The conduct of the investigation is the IO's only duty until the investigation is completed (determined by the supporting IG) unless otherwise determined by the Appointing Authority.

1.9.1.3. The IO must be an E-7 or above or civil service employee holding an equivalent commissioned officer's grade, be equal to or senior in grade to subject(s) (excepting IOs assigned to SAF/IGS), impartial, unbiased, totally objective and separated by at least one level of command or by functional assignment from the complainant and organization or person(s) who are the subject(s) of the allegation (This requirement is not applicable to ANG). The IO must advise the Appointing Authority immediately of any personal relationship or other factors which may affect his/her impartiality.

1.9.1.4. Limit leave except in emergency cases or when special circumstances exist. If special circumstances exist, inform the Appointing Authority immediately. The IO should advise the Appointing Authority if he/she is retiring, separating, or expect reassignment within 180 days.

### **1.9.2. Conducting a Proper Investigation:**

★1.9.2.1. Consult with the Appointing Authority, supporting IG and SJA and read this instruction and all applicable instructions and directives before beginning an investigation. Follow the directions and procedures within local, command, and Air Force IO Guides. Always consult in advance with a judge advocate about the need for and substance of Article 31 rights advisement.

1.9.2.2. Always maintain confidentiality. Keep the complaint and complainant confidential. If you believe you must release the complainant's name to gain evidence or testimony, you must obtain the Appointing Authority's written permission. Do not release the complaint document to anyone except IG or JA officials. Report the results of the case only to the Appointing Authority. Never debrief complainants, witnesses, or subject(s) after you have completed your investigative duties nor comment to any complainant, subject, or other witness regarding your opinions, findings, conclusions, or recommendations.

★1.9.2.3. If a witness' status changes during the course of an investigation to that of a subject, the witness must be interviewed or reinterviewed and given an opportunity to respond to the suspected misconduct or allegations in light of their new status. Conduct the proper rights advisement for a subject prior to the interview/reinterview. If the IO determines that the evidence indicates the misconduct or allegations should be investigated separately, or there is a need to expand the IO's charter, the IO should take no further action until consulting with the Appointing Authority.

★1.9.2.4. If during the course of an investigation, the IO discovers information leading them to believe matters of a criminal nature have occurred, the IO should take no further action until consulting with the Appointing Authority.

#### 1.9.3. Allegations of Reprisal or Violations of Mental Health Evaluation Referral (DoDD 6490.1)

1.9.3.1. If you are looking into a complaint that contains allegations of reprisal or mental health evaluation referral, follow the procedures in Chapter 3. If the complainant alleges reprisal and a violation of DoD Directive 6490.1, your report must contain the requirements for both reprisal and mental health evaluations. You must look into the reprisal allegation and also into whether the complainant was properly referred for a mental health evaluation.

### 1.10. Complainants.

#### 1.10.1. Responsibilities:

1.10.1.1. Air Force military and civilian members have a duty to report FWA, mismanagement, a violation of any Air Force instruction, an injustice, deficiency, or like condition, to a superior or commander in their chain of command, to an IG or other appropriate inspector, or within any established grievance channel. FWA complaints may be reported to the AFAA, AFOSI, security police, or other proper authority. Promptly advise the AFOSI of suspected criminal misconduct or fraud.

1.10.1.2. Complainants should attempt to resolve FWA issues and personal complaints at the lowest possible level using command channels before elevating them to the next higher level or to the IG. However, complainants may file an IG complaint at any level without notifying or following the chain of command.

1.10.1.3. Complainants must promptly file complaints within IG, command, or other grievance channels. Complaints which are 60 days or older will normally be dismissed but will be evaluated as to whether any extraordinary circumstances justify an investigation. IGs may dismiss a complaint for which it may be impossible to gather sufficient facts to make a determination such as those not presented in a timely manner or no longer having a specific interest or impact on the Air Force. If the complainant is unable to meet the time requirements due to unforeseen circumstance, and there is a reasonable probability sufficient information can be gathered to make a determination, then the IG will take this under consideration.

1.10.1.4. Complainants must provide (preferably using an AF Form 102) factual and relevant information related to the issue or complaint. Complaints should be legible (preferably typed), be reproducible, and include rank, name, organization assigned, home and duty addresses and phone numbers (commercial and DSN), and if active duty, Social Security number. Complainants may submit FWA disclosures on an AF Form 102, by letter, in person, or by FWA hotlines.

1.10.1.5. Complainants should list the allegations briefly, in general terms in the complaint (AF Form 102) and provide supporting narrative detail and documents later when interviewed. Allegations must be clearly delineated so they can be easily recognized. Complainants must cooperate with investigators or inspectors by providing information (unless exercising Article 31, UCMJ, or Fifth Amendment rights).

★1.10.1.6. Complainants to the Air Force IG system must understand they are submitting official statements within official command channels. Accordingly, they remain subject to punitive action for intentional submission of false statements.

★1.10.1.7. Complainants may request withdrawal of their IG complaint, however, IGs may still look into the allegations at their discretion.

★1.10.1.8. Complainants should understand that filing an IG complaint will not delay or prevent completion of command actions such as reassignment, retirement, discharge, nonjudicial punishment, and so on, except in extremely unusual circumstances. IGs do not have the authority to place individuals on administrative hold. That authority rests only with commanders and the Air Force Personnel Center (AFPC).

★1.10.1.9. Complainants who are not satisfied with the original investigation may request the next higher level IG review their case within 90 days of receiving the IG response. The request for review must be in writing and give specific reasons why the complainant believes the original investigation was not valid or adequate. The complainant must provide additional information to justify a higher-level review on previously considered issues. Simply disagreeing with the findings or remedial action taken will not constitute sufficiency for additional IG review.

#### 1.10.2. Filing Complaints in Appropriate Channels:

1.10.2.1. Present complaints to the appropriate officials responsible for your area of complaint (see Attachment 14). The IG Complaint Program may not be used for matters normally addressed through other established grievance or appeal channels, unless there is evidence that those channels mishandled the matter or process. Disagreement with the outcome or findings of those alternative grievance or appeal processes is not a sufficient basis to warrant IG investigation. The IG office in which the complaint is filed will determine the appropriate level or organization for redress of the complaint.

1.10.2.2. Complainants normally do not travel at government expense to present a complaint unless authorized by unit commanders and travel is funded through unit funds. Requests to travel to meet with SAF/IG personnel must be approved by SAF/IGS or SAF/IGQ prior to commanders approving the TDY request.

1.10.2.3. Should a complainant decide to file the complaint (allegations) as an Article 138 (official legal charges filed against other military members) complaint, the IG may opt to stop any IG action in lieu of the Article 138 proceedings.

1.10.3. Complainant Protections:

1.10.3.1. Although complainants have a right to file an IG complaint at any level without first notifying or following the chain of command, they should be encouraged to use the chain of command to resolve issues whenever possible before entering the IG system. The supervisory of command chain can often resolve complaints more quickly and effectively. The IG system should be used when referral to the command chain would be futile or there is fear of reprisal.

★1.10.3.2. Complainants may request to remain confidential or submit the complaint anonymously. Complainants should not expect to receive a response if they remain anonymous throughout the case unless they submit their name and then request anonymity. The identity of individuals granted confidentiality may be revealed only to Air Force or DoD officials who establish an official need for the information with the written approval of the Appointing Authority or SAF/IG (or designee), or otherwise only if the IG/Appointing Authority determines that such disclosure is necessary during the course of the case.

1.10.3.3. Personnel who submit a FOIA request for an IG report should be aware that information, such as names and other identifying information, may be withheld from FOIA-released reports where disclosure would result in an unwarranted invasion of privacy. Information, such as Investigating Officer opinions, conclusions and recommendations, may be withheld to protect the IG deliberative process under the FOIA, on a case-by-case basis.

1.10.3.4. All complainants have the right to file a protected disclosure or submit to an IG an allegation that they were referred for a mental health evaluation in violation of DoD Directive 6490.1, without fear of reprisal. Note: If a complainant makes fraudulent disclosures or allegations they may be subject to administrative or judicial action.

#### **1.11. Witnesses (Military Members and DoD Civilian Employees).**

1.11.1. Responsibilities:

1.11.1.1. Give statements and testimony during IG investigations with the understanding that they are protected by law from reprisal.

1.11.1.2. Must provide testimony (for example, may not decline to be interviewed) and answer questions which are not self-incriminating.

1.11.1.3. May keep personal notes prepared during the interview but may not normally use any recording device during the proceeding.

1.11.1.4. Must give only true statements as required by the UCMJ, Federal, and state law, as well as union bargaining agreements.

★1.11.1.5. Civilian employee witnesses who are members of an established bargaining unit have the right to have a union representative present during the taking of the testimony if they reasonably believe they may become a subject of the investigation .

#### **1.12. Secretary of the Air Force, General Counsel (SAF/GC).**

1.12.1. Responsibilities:

1.12.1.1. Provide legal advice and support to SAF/IG in directing, administering, and overseeing the Air Force FWA Prevention and Detection Program.

1.12.1.2. Assist and provide legal support to SAF/IG in initiating, conducting, and finalizing cases on Senior Officials as required. Determine if reports will be entered into the SOUIF.

1.12.1.3. Review (when requested) any report submitted by or to SAF/IG.

#### **1.13. Secretary of the Air Force, Legislative Liaison, Congressional Inquiry Division (SAF/LLI).**

1.13.1. Responsibilities:

1.13.1.1. Designate a point of contact to handle or process investigations by SAF/IG or subordinate IGs for Congressional information requests.

1.13.1.2. May receive responses to SAF/IGQ taskings directly from MAJCOM, FOA, DRU, or NGB IGs when SAF/IGQ determines it is appropriate.

#### **1.14. Secretary of the Air Force, Public Affairs (SAF/PA).**

1.14.1. Responsibilities:

1.14.1.1 Designate a point of contact to handle news media questions about SAF/IG cases.

**1.15. Headquarters Air Force Judge Advocate General (HQ USAF/JA).****1.15.1. Responsibilities:**

★1.15.1.1. HQ USAF/JA will review and comment on all substantiated Senior Official cases and will review all SOUIFs proposed by SAF/IG for substantiated colonel and colonel select cases.

★1.15.1.2. HQ USAF/JAG will provide legal support to SAF/IGS and SAF/IGQ as needed and will advise on the disposition of materials gathered during investigations such as recording tapes, discs, memos, and so on.

★1.15.1.3. Ensure subordinate SJAs are aware of their responsibility to remind commanders to immediately notify SAF/IGS (for Senior Officials) or SAF/IGQ (for colonels, colonel selects, and GM-15s) through the chain of command when notified of allegations or adverse information of any kind against a Senior Official, colonel, colonel select, or GM-15. Ensure commanders make notification whenever Article 15 action is taken (upon completion of the action and appeal, if any) or when charges are preferred against a Senior Official, colonel, or colonel select. When court-martial charges are involved, commanders should make follow-on notification when the charges are referred to trial and again at the conclusion of the trial.

**1.16. Air Force Inspection Agency (AFIA).****1.16.1. Responsibilities:**

1.16.1.1. Review MAJCOM, FOA, and DRU FWA programs, detect FWA, and identify indicators of possible FWA during all inspection activities.

1.16.1.2. Act as the Appointing Authority and conduct IG investigations at the request of SAF/IG.

**1.17. Air Force Office of Special Investigations (AFOSI).****1.17.1. Responsibilities:**

1.17.1.1. Detect fraud during investigative activities and process disclosures referred to AFOSI.

1.17.1.2. When SAF/IGQ assigns the investigation, provide periodic updates to applicable unit, NGB, MAJCOM, FOA, or DRU focal points so they can prepare progress and completion reports.

1.17.1.3. Assist commanders by providing briefings and other material related to FWA and provide investigative assistance to inspectors and auditors examining suspected fraud.

★1.17.1.4. Conduct internal review (using AFOSI/IG) for SAF/IG directed cases involving allegations against AFOSI personnel or programs. Report findings to SAF/IGQ for a final review and determination.

★1.17.2. Reporting Allegations or Adverse Information Regarding Senior Officials, Colonels, Colonel Selects and GM-15s:

★1.17.2.1. SAF/IGX will notify SAF/IG according to AFI 71-101, Volume 1, *Criminal Investigations, Counterintelligence, and Protective Service Matters*, when AFOSI receives allegations or adverse information of any kind against a Senior Official, colonel, colonel select, or GM-15, or information that a Senior Official, colonel, colonel select or GM-15 was involved in an incident as a subject or suspect.

★1.17.2.2. SAF/IGX will provide SAF/IGS or SAF/IGQ a copy of any AFOSI report involving a Senior Official, colonel, colonel select or GM-15.

**1.18. Headquarters, Air Force Audit Agency (AFAA).****1.18.1. Detecting and Reporting FWA:**

1.18.1.1. Identify policies and procedures discovered in the course of an audit that may contribute to FWA. Perform audits when conditions or situations indicate FWA, apply appropriate audit steps to determine the effects on operations and programs, and recommend corrective action.

1.18.1.2. Report to managers apparent FWA disclosed by an audit, refer the matter to the appropriate commander and AFOSI detachment for investigation when you suspect fraud, and delay the publication of audit results relating to apparent fraud if requested by AFOSI. Publication could interfere with ongoing investigations.

★1.18.1.3. Report to SAF/IGS (for Senior Officials) and SAF/IGQ (for colonels, colonel selects, and GM-15s) any FWA allegation or adverse information of any kind regarding Senior Officials, colonels, colonel selects, and GM-15s not previously reported to SAF/IG.

**1.18.2. Helping With Investigations:**

1.18.2.1. Provide audit assistance when asked by inspectors and investigators investigating alleged FWA and provide periodic updates to the tasking activity when audits involving IG taskings to allow preparation of progress and completion reports.

**1.19. Headquarters Air Force, Deputy Chief of Staff, Personnel (HQ USAF/DP).****1.19.1. Responsibilities:**

1.19.1.1. Ensure AFGOMO, DPC, and DPO maintain close liaison with SAF/IG on policies governed by this instruction. Request file checks from SAF/IGS on Senior Officials and SAF/IGQ on colonels and colonel selects.

★1.19.1.2. Provide four (4) printed copies of each new issue of the Personnel Accounting Symbol Directory to SAF/IGQ.

★1.19.1.3. Establish IG access to Personnel Concept III (PC III) data system to allow SAF/IG staff access to personnel records and information.

1.19.1.4. AFGOMO will provide SAF/IG copies of adverse information received on general officers or general selects. DPO will provide SAF/IG any additions to the Quality Force Roster on colonels or colonel selects.

1.19.2. Reporting Allegations or Adverse Information Regarding Senior Officials, Colonels, Colonel Selects or GM-15s:

★1.19.2.1. Notify SAF/IGS for Senior Officials and SAF/IGQ for colonels, colonel selects and GM-15 personnel when they are accused of violating Air Force EOT, EEO, or substance abuse policy. Forward derogatory information to SAF/IGS or SAF/IGQ accordingly for possible inclusion in a SOUIF file.

1.19.2.2. Ensure EOT personnel do not conduct complaint clarification reviews for allegations against Senior Officials. These complaints go directly to an IG for forwarding to SAF/IGS. Provide EOT personnel as technical advisors to IG officials to ensure all allegations of EOT violations have been thoroughly addressed.

## **1.20. Headquarters Air Force, Chief of Security Police (HQ USAF/SP).**

1.20.1. Responsibilities:

1.20.1.1. Ensure incidents of FWA reported to security police are referred to the proper agencies for information or action and assist Loss Prevention Working Groups with identifying waste and staffing corrective actions.

1.20.1.2. Ensure resource protection technical consultants are able to recognize FWA when performing surveys.

1.20.2. Reporting Allegations or Adverse Information Regarding Senior Officials, Colonels, Colonel Selects and GM-15s:

★1.20.2.1. Notify SAF/IGS for Senior Officials and SAF/IGQ for colonels, colonel selects and GM-15 personnel when allegations or adverse information is received regarding senior officials, colonels, colonel selects and GM-15 personnel for possible inclusion in a SOUIF file.

## **★1.21. Headquarters Air Force, Office of the Surgeon General (HQ USAF/SG).**

1.21.1. Responsibilities:

1.21.1.1. Notify SAF/IGS or SAF/IGQ when an allegation against a Senior Official, colonel, or colonel select requires actions to suspend, limit, or revoke clinical privileges as governed by AFI 44-119, *Quality Assurance and Risk Management in the Air Force*, and send SAF/IGQ a copy of the final credentials report.

1.21.1.2. Conduct Medical Incident Investigation (MII), or review and comment on complaints referred from SAF/IG regarding medical treatment. Respond directly to complainants, with copy of response to SAF/IGQ.

## **★1.22. Assistant Secretary of the Air Force, Financial Management and Comptroller (SAF/FM).**

1.22.1. Responsibilities:

1.22.1.1. Notify SAF/IG when a Senior Official, colonel, colonel select or GM-15 personnel is accused of violating the Anti-Deficiency Act and send SAF/IG a copy of the ROI on completion.

## **Chapter 2**

### **INSPECTOR GENERAL (IG) COMPLAINT SYSTEM**

#### **2.1. Authority and Scope.**

2.1.1. Authority:

2.1.1.1. Air Force Inspector Generals derive their authority from 10 U.S.C., Sections 8014 and 8020, AFD 90-3, *Inspector General Complaints Program*, and AFI 90-301, *Inspector General Complaints*.

2.1.1.2. Authority to direct an IG investigation is vested only in the SAF/OS; SAF/IG (and designees); HQ USAF/CC; NGB, MAJCOM, FOA, DRU, NAF and wing commanders; and, the Inspector General at NGB, MAJCOM, FOA, and DRU and below.

2.1.1.3. Appointing Authorities and IGs must cite this instruction (paragraph 1.7.2) as authority for directing or initiating IG investigations. Appointing Authorities will select Investigating Officers (IOs) and direct corrective action when appropriate.

2.1.1.4. IGs and Investigating Officers have the vested authority to review any Air Force system of records pertaining to Air Force personnel (within the scope of IG responsibilities and duties) and take both sworn and unsworn testimony.

2.1.1.5. Commanders must request SAF/IG approval to appoint IGs or Appointing Authorities not covered by this instruction. SAF/IG must approve such requests in writing prior to these individuals functioning in this capacity. These IGs and Appointing Authorities must retain authority to take or recommend any necessary corrective action resulting from the investigations they direct.

2.1.1.6. Personnel who conduct administrative inquiries or investigations governed by other policy directives and instructions will not cite this instruction as the authority. These inquiries and investigations include among others: commander-directed inquiries and investigations; AFOSI or Security Police investigations; investigations of civilian employees who have specific appeal rights under law or labor union agreements; Article 32 and Article 138 investigations; Line of Duty or Report of Survey investigations; Quality Assurance in the Air Force Medical Service Boards; or USAF Mishap or Safety Investigations.

2.1.2. Scope.

2.1.2.1. The Air Force Complaint and FWA Programs are leadership tools that indicate where command involvement is needed to correct systematic, programmatic, or procedural weaknesses. These programs ensure problems affecting the Air Force mission are resolved promptly and fairly. They also measure the confidence Air Force people have in Air Force leadership.

2.1.2.2. The IG process provides feedback that is critical to the success of each individual in the supervisory chain. It ensures Air Force personnel are using resources effectively and efficiently in support of the mission, there is an atmosphere of trust in which issues can be objectively and fully resolved without retaliation or the fear of reprisal, and management reveals and corrects any false perceptions that Air Force members may hold about goals, plans, and projects.

2.1.2.3. Personal complaints and FWA disclosures help commanders discover and correct problems affecting the productivity and satisfaction of assigned personnel. Resolving the underlying cause of a complaint may prevent more severe symptoms or costly consequences, such as reduced performance, accidents, poor quality work, poor morale, or loss of resources.

2.1.2.4. Even though allegations may not be substantiated because there has been no wrongdoing or misconduct, the evidence or IO findings may nevertheless reveal systemic morale or other problems which impede efficiency and mission effectiveness.

2.1.2.5. This instruction applies only to noncriminal activities. Questions involving criminal misconduct, espionage, sabotage, treason, sedition, disloyalty, or disaffection should go to the Appointing Authority and the SJA for guidance and appropriate referral (normally to AFOSI). If punitive or judicial action appears warranted, consult with the Appointing Authority and the SJA to see if the case should be referred to AFOSI or investigated by a commander.

2.1.2.6. It is not appropriate for the IG to investigate complaints solely because the complainant is dissatisfied with the outcome of his or her appeal through prescribed channels. When a member has a complaint or appeal from adverse actions for which law and regulation provide a specific means of redress or remedy, refer the complainant to those other redress or appeal channels as provided for by the specific law or regulation. If the complainant alleges the appeal was improperly or prejudicially handled, and has no other means of redress, the complainant may enter a complaint of mishandling under this instruction.

## ★2.2. IG Complaint Process.

2.2.1. Receiving Complaints:

2.2.1.1. IGs will receive and process complaints from any source. Mark all documents received from complainants "COMPLAINANT PROVIDED" in the lower right hand corner of each page.

2.2.1.2. IGs should resolve complaints at the lowest level whenever possible, but may elevate complaints to higher levels of command when appropriate. Inspectors may communicate directly with other command IG personnel and staff offices (including HQ USAF), or any source which an IG deems relevant to resolve complaints.

2.2.1.3. IGs will refer complaints which appropriately fall under the purview of another office or agency, under other directives (other established grievance channel), or are otherwise not under the purview of the Inspector General system to a proper grievance channel. Notify the complainant of the referral and what office or agency will respond to complainant (see paragraph 2.2.3.).

★2.2.1.4. IGs may dismiss a complaint if a Complaint Analysis discloses no recognizable wrong or violation of law, regulation, or policy, or the individual is reporting the injustice or error more than 60 days after learning of the alleged wrong and no extraordinary circumstances exist to justify the delay, or given the nature of the alleged wrong and passage of time, no special Air Force interests justify investigating the matter.

2.2.1.5. Complaints received at higher levels (the President, the Congress, SAF/OS, SAF/IG, and so forth) can be referred back to the complainant's level for an investigation. However, the complainant should be advised they have a right to file their complaint at any level without using the chain of command or fear of reprisal or harassment.

★2.2.1.6. When complainants send the same or a similar complaint to several levels of the government, the highest level with which the complainant corresponds will normally reply. When an IG determines that a higher level will respond, the IG notifies the complainant they will not receive separate replies from various levels of the government and specifies which level will respond to the complainant.

2.2.1.7. For complaints received directly from the complainant at a center, wing/installation, or unit take the following steps; (1) initiate a log entry, (2) conduct a Complaint Analysis to determine whether the complaint is appropriate for IG response, (3) Refer the complaint, provide Assistance, conduct a Category I or II Investigation (except for Senior Officials) or dismiss the complaint, and (4) finalize the case by completing an AF Form 102 (not required when a complaint is dismissed). Refer

to the SAF/IG Form AF102 Guide on how to complete the AF Form 102. If your organization does not have access to the SAF/IG Complaint Data Collection System, Complaints Datafile, forward the completed AF Form(s) 102 to the organization designated by your MAJCOM, FOA, or DRU IGQ by the 5th of each month, for processing and data entry into the database.

★2.2.1.8. Complainants may submit their complaints by completing an AF Form 102, calling an AF Hotline, by letter or memo to an IG, or in person. Complainants should submit the allegations using their own words. The subject of the complaint must be an Air Force person or program to justify an investigation. Other matters will be referred, as necessary, to other agencies.

★2.2.1.9. Third party complainants are not entitled to personal information or other information not releasable to the public (under the Privacy Act). To release specifics concerning a case, a consent to release statement must be acquired from the military member or dependent. If the military member or dependent does not give their consent to release findings to the third party, IGs must inform the third party the matter will be reviewed but specifics will not be released due to Privacy Act restrictions. SAF/LLI will obtain a consent to release statement on complaints staffed from Congressional representatives. Consult with your local SJA.

2.2.1.10. Sometimes during the course of a case, an IG learns there is an ongoing Article 138, OSI, or other investigation. If the cases can be separated (individually worked) without conflict or compromise of the investigative effort in either investigation, the IG case may proceed simultaneously with the other investigations. The circumstances surrounding the cases must be considered before halting the IG case. If, after consulting with the agency involved and the servicing SJA, it is found the IG case would conflict with an ongoing investigation, inform the complainant in writing if notification can be accomplished without compromising the law enforcement investigation (consult with the servicing SJA and/or the law enforcement agency involved). The complainant should also be informed of his or her right to refile the complaint at a later date (after the other investigations are complete).

2.2.1.11. Complaint Clarification -- Listed below are helpful steps to take when receiving a complaint.

- Find a private location if the complaint is taken in person.
- Find out if the complaint was filed with another agency or individual.
- If the complainant has not talked to management personnel (for example, supervisor, first sergeant, or commander), find out why. Unless the circumstances warrant otherwise, encourage the complainant to attempt resolution in supervisory or command channels first. Explain why this is the preferred approach whenever possible.
- Determine if the individual has sought assistance from an appropriate source for the information (for example, military personnel flight, finance, or social actions).
- If it has been more than 60 days since the complainant learned of an alleged wrong, tell the complainant that the complaint may be dismissed. Explain that each complaint is received and reviewed for dismissal on a case-by-case basis. Ask the complainant why they delayed in filing the complaint. Find out if there were any compelling circumstances.
- Ask the individual to complete the complainant portion of AF Form 102 if you Refer, Assist, or Investigate.
- Review the completed form and ask the complainant to clarify the allegations, as necessary. Generally, a statement of fact must identify the nature and substance of the alleged wrong with sufficient detail and facts to enable the IG to ascertain what potential violations may have been committed. The complainant should also identify the source (for example, the documents or name of witnesses who can corroborate the allegations); the date; and the act or condition that occurred or existed at that date. If the complainant alleges reprisal, advise him or her as stated in Chapter 3, paragraph 3.3.3.
- Verify the remedy that the complainant is seeking.
- Explain the steps involved in processing an IG complaint and conducting an investigation (both Cat I and Cat II).
- Tell the individual when you will get back to them (normally this will be an interim reply).

★2.2.2. Acknowledging Receipt of Complaints:

2.2.2.1. IGs must contact complainants in writing, by telephone, or in person within 5 duty days of receipt of a complaint to acknowledge receipt. Provide complainants interim responses at a minimum, every 60 calendar days thereafter until a final response is provided.

★2.2.3. Referring Complaints:

2.2.3.1. When an individual submits a complaint, determine if the complaint should be in IG channels. Refer to Attachment 14 for a list of the most common complaints which have established grievance channels and generally are not handled by IGs. If the complaint belongs in another appropriate grievance channel, refer the complaint to that office or agency and inform the complainant in writing or telephonically of the referral. Any time a complaint is referred, fill out AF Form 102, marking the "DIR REF" block of the "WORK DONE" section and annotate your records to show to whom you referred the complainant.

★2.2.3.2. Complaints received at MAJCOM (or equivalent) or lower level IG offices, which should be answered through other grievance or functional channels, will be referred to the MAJCOM (or equivalent) or lower level functional office responsible for that program or concern. (Example: personnel issues which are determined to fall within the personnel system



of redress, will be referred to the MAJCOM (or equivalent) Personnel Directorate or base Military Personnel Flight for resolution). The complaint should be entered at the lowest grievance or functional channel and progress up through higher appeal or functional channel if the complainant is not satisfied with the decision.

2.2.3.3. Refer FWA disclosures reflecting a strong potential of criminal activity or fraud directly to the AFOSI.

2.2.3.4. Refer civilian employee complaints regarding employment matters to the appropriate civilian personnel authority. Refer to paragraph 2.4 for further instruction on civilian complaints.

★2.2.4. Reprisal Advisement:

★2.2.4.1. Before acting on a complaint of reprisal from a military member, advise the complainant that to gain full statutory protection as an IG, DoD Whistleblower, they must file their complaint with IG, DoD. This advisement must be in writing and maintained as part of the file using Attachment 4. See paragraph 3.3. for complete details.

★2.2.4.2. Inform Air Force civilian employees their reprisal complaints must be referred to the servicing Civilian Personnel Office who will counsel them on their rights. Refer Nonappropriated Fund (NAF) employees to the Human Resource Office for appropriate counseling on their rights and subsequent referral to IG, DoD. Refer civilian contractor employee reprisal complaints to IG, DoD.

2.2.5. Processing Complaints: Complaints made at any level are handled by either Assistance (often under complaint analysis), Referral, Category I Investigation (IG and staff only), Category II Investigation (IO appointed) or under the FWA program.

★2.2.5.1. Assistance. IGs may assist complainants by simply making phone calls to the appropriate agency or by putting them in touch with personnel who can address their concerns. Document your IG assistance on an Air Force Form 102 by marking the "ASSIST" block of the "WORK DONE" section and place a memo for record in the case file.

2.2.5.2. Referral. IGs may refer a complaint into another appropriate grievance channel when other channels exist to redress the complaint (normally established under other Air Force instruction or policy). The referral is for direct reply to the complainant. Notify the complainant who will respond to them and forward a copy of the complaint to the referral office or agency

★2.2.5.3. Category I Investigations. Only IGs or a member of the IG staff conduct Category I (Cat I) investigations. Cat I Investigations may be done in response to complaints regarding policy issues or involving issues which may be readily responded to or corrected by an IG. The response to a complainant may be in writing, by telephone, or in person. There is no requirement for a letter of appointment or to interview the complainant, witnesses, or subject(s) (although interviews may be accomplished and testimony taken if warranted). IGs may request functional matter experts review a complaint and render an opinion in order to prepare a response to a complainant. Document all actions taken in the complainant's file (see Atch 1, Office File) either by Memo For Record (MFR) or using Summary Report of Investigation (SROI) format. If the Cat I Investigation reveals substantiated findings an SROI will be completed.

2.2.5.4. Category II Investigations . Complaints requiring formal appointment of an IO to collect evidence, take sworn testimony from complainant, witness(es) and subject(s), and document the findings in a Report of Investigation (ROI). An Appointing Authority will select and appoint the IO, determine the scope of the investigation and determine what testimony should be transcribed verbatim. Normally, both the complainant and subject(s) testimony will be transcribed verbatim. For further details on how to conduct an investigation consult SAF/IG or command Investigating Officer Guides.

★2.2.5.5. FWA. IGs should determine if the disclosure reflects sufficient detail and significance to warrant further processing. For FWA complaints concerning a center, wing, or unit but filed with SAF/IG or higher level, SAF/IGQ will pass the FWA complaint to SAF/IGS (for Senior Officials) or task MAJCOM, FOA, DRU, or NGB IGQ as appropriate. The MAJCOM, FOA, DRU, or NGB IGQ may request that a subordinate level conduct an investigation . The subordinate level must forward the results to MAJCOM, FOA, DRU, or NGB IGQ in the appropriate format. The MAJCOM, FOA, DRU, or NGB IGQ evaluates the report and forwards it to SAF/IGQ for further processing. Higher headquarters replies to the complainant (exception: anonymous complaints) and completes an AF Form 102. For FWA complaints received via the local FWA Hotline, by walk-in, or in writing IGs should ensure that an appropriate investigation is conducted, evaluating the results and ensuring appropriate disposition. Follow-up to ensure that organizations take corrective actions, respond to the complainant if applicable and complete AF Form 102. Send all AF Forms 102 to the MAJCOM, FOA, or DRU IGQ by the 5th duty day of the next month for processing and data entry into the SAF/IG Complaint Data Collection System, Complaints Datafile.

★2.2.6. Complaints with Allegations of EOT Violations:

★2.2.6.1. Except for Senior Official cases, Social Actions is the office of responsibility (grievance channel) for EOT complaints. Other than Senior Official allegations, IGs will only accept EOT complaints when directed by higher headquarters, or when the Appointing Authority directs the IG to look into the matter after consulting with the local SJA (normally when a Social Actions complaint clarification cannot fully resolve the issues).

★2.2.6.2. When cases are referred to Social Actions, EOT personnel are responsible for responding to the complainant. After referring the complaint, IGs take no further action (other than informing the complainant of the referral), unless otherwise directed by the Appointing Authority or higher headquarters.

★2.2.6.3. If the complaint contains allegations of EOT violations plus allegations under other complaint categories which can be separated, the IG should refer the EOT issues to Social Actions and then initiate an investigation into the other allegations as appropriate, unless otherwise directed by higher headquarters or the Appointing Authority. Notify the complainant and Social Actions in writing.

★2.2.6.4. When EOT violation allegations cannot be separated from other complaint issues, IGs will inform the IO to receive a prebrief from EOT personnel and use EOT personnel as the source of technical advice on the EOT issues (attach an EOT person as a member of the IO team if necessary). After SJA reviews and the Appointing Authority approves the report, the IG must provide EOT personnel the case findings and commander action taken, as appropriate.

2.2.7. Congressional and High Level Correspondence:

2.2.7.1. IGs may receive Congressional requests directly from a Congressional Member or staff or from SAF/LLI through functional channels. In either case, Air Force IG policy requires prompt cooperation with SAF/LLI on Congressional requests for releasable information (See AFI 90-401, *Air Force Relations With Congress*). SAF/LLI refers Congressional or high level complaints to SAF/IGS or to SAF/IGQ (when appropriate) for IG investigation and uses the findings (normally an SROI) as the basis for their reply.

2.2.7.2. For Congressional or high level correspondence received from SAF/IGQ, the tasked MAJCOM, FOA, DRU, or NGB IG will conduct the appropriate category of investigation, and send the SROI for Category I Investigations or appropriate cover letter and an ROI (with SROI) for Category II Investigations to SAF/IGQ. Address each relevant allegation in the correspondence or explain in your response why you cannot do so. Document any changes to the complainant's allegations in the report. Make your reply specific and sufficiently detailed to enable the Congressional or high level representative to fully evaluate the issues involved.

★2.2.7.3. SAF/IGQ may task the MAJCOM, FOA, DRU, or NGB IG to provide a direct response to SAF/LLI with an information copy of the response to SAF/IGQ. Respond to SAF/LLI with a cover letter with an SROI attached whenever possible. When an SROI is not available, make sure your response addresses all relevant allegations providing a finding for each and supporting rationale for the finding. SROIs must always be in public releasable (no Privacy Act information) format.

★2.2.7.4. MAJCOM (or equivalent) and subordinate IGs receiving written or telephone inquiries directly from Congressional members or their staffs must comply with AFI 90-401. Acknowledge receipt and indicate either SAF/LLI will provide the reply or a response will be provided directly from the receipt level. Consult with your MAJCOM (or equivalent) IG office to determine appropriate level of response and whether notification to SAF/LLI is warranted.

2.2.8. Tasking Cases:

2.2.8.1. Tasking letters state which IG level will respond to the complainant, the authority to conduct the investigation under AFI 90-301, and the suspense for completion of the report or action. The office responding to the complainant closes the case, completes an AF Form 102, and ensures the information is updated in the RCS: HAF-IGQ (AR)7701 report.

★2.2.8.2. For IG complaints tasked to subordinate levels for resolution and direct response to the complainant, the tasking level must ensure that the subordinate level conducts the case as directed. The tasking level must place the case in follow-up status pending case closure.

★2.2.9. Quality Reviews (QR):

2.2.9.1. All cases will receive a QR to ensure completeness, compliance with this instruction and other appropriate directives, and legal sufficiency before forwarding to a higher IG level. Complete all checklists when required.

2.2.9.2. SAF/IGQ will conduct a QR for all colonel, colonel select and GM-15 cases. In cases where findings are substantiated, MAJCOM or equivalent will send a copy of the ROI with attachments, a copy of the response to the complainant, a copy of the notification to the subject's commander, and command action taken to SAF/IGQ for QR. In cases where the allegations are not substantiated, MAJCOM or equivalent will send a copy of the SROI, a copy of the response to the complainant, and a copy of the notification to the subject's commander (or subject) to SAF/IGQ for QR.

2.2.9.3. All cases involving allegations of reprisal and cases involving allegations of violations of DoDD 6490.1, will be forwarded through IG channels to SAF/IGQ for a QR. For 1034 reprisal cases, SAF/IGQ will forward the original case file with attachments to the IG, DoD for QR. For SAF-level and below reprisal cases, SAF/IGQ will send a copy of the Reprisal Evaluation to IG, DoD for QR. For DoDD 6490.1 cases, SAF/IGQ forwards a copy of the entire case file with attachments to IG, DoD for QR.

2.2.10. Responding to Complaints:

★2.2.10.1. Responses must be timely, thorough, and supported by the evidence. Responses to complaints must address all allegations that are not frivolous (pertinent to the complainant, program, or subject the complaint is addressing) allegations. The response does not necessarily have to address each individual question or allegation made by the complainant and allegations may be grouped into like categories if determined appropriate by IG personnel.

2.2.10.2. When responding to a complainant after an IG investigation, the response should be by letter with an SROI attached when available. Ensure the response and SROI are in a public-releasable format and do not contain names (the response letter will obviously include the complainant's name) or other information requiring Privacy Act protection. This includes names

of parties other than the complainant (including family members) and information of a personnel nature, including disciplinary actions. You may refer to disciplinary actions by stating that appropriate command action was taken. To avoid, using names, use duty titles and section/unit of assignment and terms such as supervisor, spouse, son, daughter, etc.

2.2.10.3. When responding to a complainant after giving IG Assistance, the response can be in writing, in-person, or by telephone call. Attach any reports completed on the IG Assistance if available or appropriate.

★2.2.11. Follow-up Program:

2.2.11.1. Cases will be placed in "Follow-up" status when awaiting documentation of corrective action taken, when Direct Response cases are awaiting a copy of the office or agency final response to the complainant (or information as tasked), or as directed by higher headquarters.

★2.2.11.2. IGs may respond to the complainant before corrective action is taken when determined appropriate. Higher level IGs are responsible for ensuring closure of all cases referred to a lower level and reviewing the final response to ensure the allegations were examined, responded to adequately, and any corrective action (if required) is taken.

2.2.12. Case File Management:

2.2.12.1. IGs must maintain a log of each complaint received and its disposition. If a complainant seeks only general information, record an entry in a log but do not complete an AF Form 102.

2.2.12.2. A file reference number (or name) assigned to each case file will cross-reference subsequent AF Form 102 data collection with the case record.

2.2.12.3. The required contents of case files are listed at Attachment 1, Terms, *Case File*.

2.2.12.4. Once the Report of Investigation receives final approval and the highest level of review closes the case, request SJA guidance on destroying transcribed tapes and related notes.

2.2.12.5. Generally do not retain AFOSI reports, classified materials, reports of special security investigations, or other similar sensitive documents in the office case files.

2.2.12.6. Do not file IG complaint correspondence or related documents in an individual's Unit Personnel Information File (PIF), Field Personnel Records, or any system of records other than the system established for IG records.

2.2.12.7. IG records (including record releases such as FOIA, Official Use Requests, Discovery requests and Appeals) will be maintained within respective IG offices, under IG supervision and maintenance. Maintain and dispose of documentation according to AFMAN 37-139, *Records Disposition--Standards*.

2.2.13. Data Collection Requirements (RCS: HAF-IGO [M] 7701, *USAF Complaints System Reporting*):

2.2.13.1. RCS: HAF-IGQ[AR] 7701 is designated emergency status code C-3. Continue reporting during emergency conditions with delayed precedence. Submit data requirements as prescribed, but they may be delayed to allow the submission of higher precedence reports. Submit by nonelectronic means, if possible.

2.2.13.2. Provide a data base for analyzing trends, categorizing, and reporting all complaints handled by the IG system on AF Form 102 (refer to the SAF/IG AF Form 102 Guide on how to complete an AF Form 102).

2.2.13.3. For AF Form 102 purposes, base the determination of whether a complaint is substantiated on all circumstances and facts surrounding the issue and link it to an identifiable violation of law, regulation, or Air Force policy or standard.

★2.2.13.4. Complete an AF Form 102 when you Refer a case outside the Air Force for action or respond to the complainant or complainant's representative with case closure after providing Assistance or conducting an investigation. If you first conduct a Assistance and then find it necessary to do an investigation for the same case, complete only one AF Form 102 marking the "INVESTIGATION" Block in the "WORK DONE" section.

2.2.13.5. MAJCOM, FOA, and DRU IGs receive all completed AF Forms 102 from subordinate-level IGs and update the SAF/IG Complaint Data Collection System, Complaints Datafile by the 5th of each month.

## 2.3. Commander-Directed Investigation (CDI).

### 2.3.1. Authority:

2.3.1.1. All commanders possess inherent authority to investigate matters or incidents under their jurisdiction unless preempted by a higher authority. Commanders may refer investigative responsibilities through the chain of command to an IG to obtain the protection and privileged status an IG report provides for complainants. Once transferred into the IG system, the investigation is no longer commander-directed and becomes an official IG complaint.

2.3.1.2. Commander-directed inquiries or investigations will not cite this regulation as authority. They may, however, use the procedures and report format in this instruction as a guide. Commanders should consult with the SJA before conducting commander-directed inquiries or investigations and remind subjects they have a right to counsel.

2.3.1.3. Commanders have no authority to take a complaint submitted to an IG for disposition and transfer it to command channels for resolution by a commander-directed inquiry or investigation. A complainant may elect to withdraw a complaint from IG channels and then file it through command channels for resolution.

★2.3.1.4. Commanders must forward all commander-directed reports that contain allegations or adverse information of any kind against Senior Officials, colonels, colonel selects and GM-15s to SAF/IGS for senior officials and SAF/IGQ for colonels, colonel selects and GM-15 personnel.

★2.3.1.5. The commander, not the IG, is the release authority for commander-directed reports unless they pertain to Senior Officials or are substantiated colonel, colonel select or GM-15 cases (SAF/IG or designee is the release authority for all cases involving Senior Officials and substantiated colonel, colonel select and GM-15 cases).

2.3.1.6. Commander-directed inquiry or investigation records (other than those forwarded to SAF/IGS or SAF/IGQ under paragraph 2.3.1.5.) will not be maintained by IG personnel within an IG system of records.

## ★2.4. Air Force Civilian Employees.

2.4.1. Procedure:

2.4.1.1. The IG Complaints System does not cover matters concerning employment conditions for civilian employees. These matters must be processed under applicable civilian grievance, complaint, or appeal systems as stated in AFD 36-12, *Dispute Resolution*, to include:

- Conditions of employment including personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, which affect working conditions. Refer the complainant to the appropriate Civilian Personnel Office (CPO) or NAF Human Relations Office (for NAF employees).
- Civilian discrimination complaints. These are processed according to AFI 36-1201, *Discrimination Complaints* (formerly AFR 40-1613). Refer civilians who want to file a discrimination complaint to the Equal Employment Opportunity (EEO) office for advice and assistance.
- Allegations of reprisal affecting conditions of employment for civilian employees. These cannot be processed under this instruction. Air Force civilians should consult with their appropriate Civilian Personnel Office (CPO) or NAF Human Relations Office (for NAF employees).

★2.4.2. Labor-Management Relations and Investigations:

★2.4.2.1. Title 5 U.S.C., Section 7114, Representation Rights and Duties, specifies that an employee may have a union representative present during the interview when the employee reasonably believes that the examination may result in disciplinary action against the employee and the employee requests union representation.

## Chapter 3

### IG SPECIAL INTEREST PROGRAMS

## ★3.1. Senior Official Investigations.

3.1.1. Policy:

3.1.1.1. Commanders and IG offices at all levels will immediately notify SAF/IGS of any allegations or adverse information (of any kind) involving Senior Officials using Attachment 3. IGs who receive allegations against an Air Force Senior Official may tell their commanders the general nature of the allegations and the identity of the person against whom the allegations were made. To protect the complainant's confidentiality, do not reveal either the source or specific nature of the allegations. SAF/IG will ensure commanders and MAJCOM IGs receive additional information as appropriate.

3.1.1.2. SAF/IGS will immediately notify SAF/IG of allegations or adverse information (of any kind) involving Senior Officials and conduct a Complaint Analysis. SAF/IGS will provide the results of the Complaint Analysis to SAF/IG and SAF/IG will determine if further investigation is warranted.

3.1.1.3. SAF/IG, or SAF/IGS at the direction of SAF/IG, will immediately notify SAF/OS, AFGOMO and the IG, DoD, (and other appropriate offices as required) upon opening an investigation against a senior official.

3.1.1.4. SAF/IG will appoint all IOs conducting investigations into Senior Official cases. Notification of commanders and subjects will be in accordance with the Notification Matrix, Attachment 9.

3.1.1.5. Commanders will take prompt corrective action (to include administrative or disciplinary action) in those cases where misconduct is substantiated, the perception of misconduct exists, or when a pattern of behavior exists which reflects adversely on an official's judgment or exercise of authority.

3.1.1.6. Maintain and dispose of all Senior Official records required by this regulation according to AFMAN 37-139.

3.1.2. Closing Senior Official Cases:

3.1.2.1. In cases where the allegations are not substantiated, SAF/IGS will notify SAF/IG who may direct SAF/IGS to close the case and notify the appropriate commander. SAF/IGS will notify the complainant and other appropriate offices and will make notifications using the Notification Matrix, Attachment 9 and complete an AF Form 102.

3.1.2.2. In cases where the allegation(s) are substantiated against a Senior Official, SAF/IGS will notify SAF/IG. At SAF/IG direction, SAF/IGS will accomplish notifications using the Notification Matrix, Attachment 9.

3.1.2.3. Provide IG, DoD a copy of the report with attachments and complete an AF Form 102.

3.1.3. Establishing a Senior Official Unfavorable Information File (SOUIF):

3.1.3.1. SAF/IG serves as the central repository for adverse information on senior official personnel which is required by various Air Force directives to be forwarded for review and possible inclusion in a SOUIF. SAF/IG maintains these files, prepares SOUIF summaries for review by the SOUIF decision authority, SAF/GC, and is responsible for notifying affected officers of their right to comment IAW AFI 36-2501. All SOUIF summaries will be reviewed by AF/JAG and SAF/GCM before being forwarded to SAF/GC for final decision on the issue of whether a SOUIF will be established and provided to a promotion board for consideration.

3.1.3.2. The SOUIF is used in the general officer promotion process. Senior Officials will be given the opportunity to submit written comments before any promotion selection board meets according to AFI 36-2501, *Officer Promotions and Selective Continuation*. SAF/GC has been delegated decision authority by the Secretary of the Air Force to establish SOUIFs. If a SOUIF is directed to be established, it must be forwarded to the promotion board for consideration by the board members in their evaluation of the respective officer's promotion fitness and qualifications.

3.1.3.3. For officers in the grade of general (or general select), a commander's decision to place adverse information in a UIF or the officer's selection record (OSR) is unrelated to the SECAF's decision to place this information in a SOUIF.

### **3.2. Colonel, Colonel Select and GM-15 Investigations.**

3.2.1. Policy:

3.2.1.1. MAJCOM, FOA, DRU, and NGB IGs, and subordinate commanders (through the chain of command), will immediately notify SAF/IGQ of allegations or adverse information of any kind involving a colonel or colonel select using Attachment 3.

3.2.1.2. SAF/IGQ, MAJCOM, FOA, DRU and NGB IGs will immediately conduct or direct an investigation into allegations or adverse information of any kind involving a colonel or colonel select.

3.2.2. Closing Colonel, Colonel Select and GM-15 Cases:

★3.2.2.1. MAJCOM, FOA, DRU, and NGB IGs may close (finalize) all cases in which the subject(s) is a colonel, colonel select or GM-15.

3.2.2.2. In cases where the allegations are not substantiated, MAJCOM, FOA, DRU and NGB IGs or their subordinate IGs will close the case and make notifications according to the Notification Matrix, Attachment 9. MAJCOM, FOA, DRU or NGB IGs will provide SAF/IGQ a copy of the SROI and final responses to the complainant and subject's commander (or subject). Complete an AF Form 102.

★3.2.2.3. In cases where the allegation(s) are substantiated against colonels or colonel selects, MAJCOM, FOA, DRU, NGB IGs (or their subordinate IGs), will obtain a legal review and the concurrence of the Appointing Authority and finalize the case and make notifications using the Notification Matrix, Attachment 9. Provide SAF/IGQ a copy of the entire case file (ROI with attachments), a copy of the notification letter to the subject's commander, final response to the complainant, and a copy of the command action taken against the subject. Complete an AF Form 102.

3.2.3. Establishing a Colonel SOUIF:

3.2.3.1. SAF/IG serves as the central repository for adverse information on colonels which is required by various Air Force directives to be forwarded for review and possible inclusion in a SOUIF. SAF/IG maintains these files, prepares SOUIF summaries for review by the SOUIF decision authority, SAF/GC, and is responsible for notifying affected officers of their right to comment IAW AFI 36-2501. All SOUIF summaries will be reviewed by AF/JAG and SAF/GCM before being forwarded to SAF/GC for final decision on the issue of whether a SOUIF will be established and provided to a promotion board for consideration.

3.2.3.2. The SOUIF is used in the general officer promotion process. Colonels will be given the opportunity to submit written comments before any promotion selection board meets according to AFI 36-2501, *Officer Promotions and Selective Continuation*. SAF/GC has been delegated decision authority by the Secretary of the Air Force to establish SOUIFs. If a SOUIF is directed to be established, it must be forwarded to the promotion board for consideration by the board members in their evaluation of the respective officer's promotion fitness and qualifications.

3.2.3.3. For officers in the grade of colonel, a commander's decision to place adverse information in a UIF or the officer's selection record (OSR) is unrelated to the SECAF's decision to place this information in a SOUIF.

### **3.3. Reprisal Complaints:**

3.3.1. Reprisal Protection (for Reprisal Against Military Members):

★3.3.1.1. No person may prohibit or restrict an Air Force member from making a lawful communication or take (or threaten to take) an unfavorable personnel action or withhold (or threaten to withhold) a favorable personnel action, as a reprisal against

a member of the armed forces for making or preparing to make a protected disclosure (defined in Atch 1). Military members who violate this prohibition are subject to prosecution under the UCMJ. Civilian employees who violate this prohibition are subject to administrative or disciplinary action under applicable directives or implementing instructions governing civilian disciplinary or administrative action.

★3.3.1.2. Air Force military personnel are protected from reprisal for making any lawful communication or making or preparing or attempting to make any lawful communication (also known as a protected communication or protected disclosure), to an IG, member of Congress, member of a DoD audit, inspection, or investigation team, an established grievance channel (including Air Force FWA monitors, Social Actions personnel and Family Advocacy), a DoD law enforcement organization, or any other person or organization in the member's chain of command, designated pursuant to this regulation or other established administrative procedures to receive such communications, which a member reasonably believes is evidence of a violation of law or regulation, including sexual harassment or unlawful discrimination, mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

★3.3.1.3. The individuals designated to receive protected disclosures within a member's chain of command are as follows: the first person who has command authority to take UCMJ action against a member up through the general court-martial authority or any superior commander.

3.3.1.4. A Protected Communication or Disclosure also includes circumstances where the military member was preparing a lawful communication or complaint that was not actually delivered (where the member did not actually communicate or complain), but was believed to have done so, or cooperated with or otherwise assisted by providing information that the military member reasonably believed evidenced wrongdoing.

#### 3.3.2. Receiving Reprisal Complaints:

3.3.2.1. Any Air Force IG must accept and look into allegations of reprisal made by Air Force military members. IGs follow the provisions of this instruction and guidelines set forth in DoDD 7050.6 and IGDG 7050.6.

3.3.2.2. IGs may accept, but not conduct investigations into allegations of reprisal from civilian Air Force employees, non-appropriated fund (NAF) employees and defense contractors. These complainants will be referred to their appropriate grievance channel for redress of their complaints. Civilian Air Force employees will be referred to their local servicing Civilian Personnel Office for proper counseling. Non-Appropriated Fund employees and Defense Contractors, will be referred to IG, DoD for counseling and processing.

#### 3.3.3. Reprisal Advisement: Right to file a complaint with IG, DoD

3.3.3.1. Before processing a reprisal complaint made by a military member, IGs must advise military members of the provisions of Title 10, United States Code, Section 1034, and DoD Directive (DoDD) 7050.6, *Military Whistleblower Protection*, and of their right to file the complaint with IG, DoD. This law entitles the member to have their case reviewed by the Secretary of Defense if the member is dissatisfied with the final decision by the Secretary of the Air Force and a copy of the redacted ROI. IGs will document this advisement using the sample letter at Attachment 4 and have the military member acknowledge receipt and understanding. File the advisement in the case file.

3.3.3.2. In order to gain full statutory protection of the law, the Air Force member must file the complaint directly with the IG, DoD within 60 days of becoming aware of the personnel action that is the subject of the allegation(s). If the complainant requests assistance with filing their complaint with the IG, DoD, provide direction and help with mailing the documents.

★3.3.3.3. Regardless of the complainant's decision on which level to file the complaint (either with the Air Force IG or IG, DoD), an Air Force investigation will be started immediately. If IG, DoD accepts the complaint and determines they will conduct the investigation, all work completed to that point will be turned over to the IG, DoD investigator and further action by Air Force IG or IO will be stopped.

#### 3.3.4. Processing Reprisal Complaints:

3.3.4.1. Reprisal allegations will immediately be investigated by an appointed Investigating Officer (Category II Investigation) and a formal ROI completed. Reprisal ROIs must contain a chronology of events beginning at a minimum with the initial protected disclosure, must identify all relevant personnel actions taken after a protected disclosure, contain an acid test for reprisal (Atch 10) on each personnel action (document within the ROI), and a Reprisal Evaluation.

3.3.4.2. For MAJCOM and below closed reprisal cases, obtain a legal review and send SAF/IGQ a copy of the ROI and attachments for Quality Review. Include appointing authorities concurrence and command action taken in substantiated cases.

3.3.4.3. For Air Force tasked cases (cases not tasked by the IG, DoD) obtain MAJCOM, FOA, DRU or NGB level SJA review of the case and forward the ROI with attachments to SAF/IGQ. Include a Summary Report of Investigation (SROI) with the ROI. The SROI will be provided to the complainant, so it must be written for releasability under Privacy Act provisions. Include the commander's statement of action taken or initiated in cases where allegation(s) are substantiated.

3.3.4.4. For cases tasked to the Air Force by the IG, DoD (DoD 1034 taskings), obtain MAJCOM, FOA, DRU or NGB level SJA review and forward the original ROI including attachments to SAF/IGQ. Include a redacted (in yellow highlighter) copy of the ROI and attachments. Include the commander's statement of action taken or initiated in cases where allegation(s) are substantiated. An SROI is not required because the original ROI and attachments will be given to the IG, DoD.

3.3.4.5. Final response to the complainant must advise the member of the right to petition the AFBCMR for correction of adverse personnel actions, regardless of the findings in the case. Complainants who petition the AFBCMR to correct an error or injustice should advise the AFBCMR if IG records exist which pertain to the pending petition. SAF/IGQ provides supporting documentation directly to the AFBCMR (or applicable SAF/MIB agency) upon receiving a Board's request for IG records.

### **3.4. Mental Health Evaluation (MHE) Referrals (alleged violations of DoDD 6490.1).**

#### **3.4.1. MHE Referral Protection:**

3.4.1.1. Air Force military members (including guard and reserve) will not be referred for a Mental Health Evaluation (MHE) or committed for treatment or hospitalization without being afforded their rights as outlined by DoDD 6490.1 and AFI 44-109, *Mental Health and Military Law*. If placed in inpatient treatment, Air Force personnel will be placed in the most appropriate and therapeutic available setting that is no more restrictive than is conducive to the most effective form of treatment, and in which treatment is available and the risks of physical injury or property damage posed by such a placement are warranted by the proposed plan of treatment. Refer to AFI 44-109.

3.4.1.2. At the time the Commander notifies an Air Force member of an involuntary referral for a MHE, other than in an emergency, the Commander is required to notify the member in writing and provide the member with a copy of their rights to:

- Request a consult with the USAF Judiciary Area Defense Counsel (ADC) who services the member's base, or other Air Force defense counsel as designated by the Chief Circuit Defense Counsel, concerning redress for possible violation of DoDD 6490.1, AFI 44-109 or this instruction.
- File a complaint with an IG, or to the IG, DoD, that the commander made the MHE referral in violation of the provisions of AFI 44-109 or DoDD 6490.1.
- Request an additional MHE by a mental health provider (MHP) of the member's choosing if the MHP is reasonably available. If the provider is not a member or an employee of the DoD, the member must pay for the evaluation. A member's request for an additional MHE will not require the commander to delay the original MHE.
- Make lawful communications to an IG, attorney, Member of Congress, or other authority about the member's referral for a MHE. This provision does not apply to a communication that is unlawful.
- A 2 duty day waiting period from time of notice until time of the MHE. If circumstances of military duty prevent complying with this right, the member's commander must specify the reasons for a more expedient nonemergency referral when notifying the member.
- Treatment, when committed for hospitalization, which is the most appropriate and therapeutic available, in a setting no more restrictive than it must be for effective treatment.
- Commanders prior discussion with a MHP regarding the proposed referral, who the MHP is and the reasons for the referral.

3.4.1.3. If the Air Force member is admitted for involuntary inpatient hospitalization or treatment, the medical facility commander (grade of O-5 or above) or installation commander is required to appoint a neutral and disinterested officer to conduct a review within 72 hours of the member's admission. The Review Officer (RO) must be appointed in accordance with AFI 44-109 and must not be in the member's immediate chain of command. The RO is required to consider all information that is reasonably available and relevant to the member's hospitalization. At a minimum, the RO will interview the commander directing the hospitalization, the member's attending physician, and the member, if the member consents, and their condition permits. During any interview of the member, the RO must introduce themselves, explain the review and the reasons for the interview, the anticipated length of the process, and advise the member of:

- Their rights under Article 31, UCMJ, and the Fifth Amendment to the US Constitution.
- They may have an attorney present during the interview, if requested. If an attorney is requested, and the member is not otherwise represented by counsel, a military attorney will be appointed.
- They may request a different military attorney of their own choosing, if that attorney is available within a reasonable time.
- They may obtain a civilian attorney at their own expense, if that attorney is available within a reasonable time.

3.4.1.4. ROs must report their determination for further hospitalization and treatment to the appointing commander within 72 hours of the member's admission. A RO's determination that the member should be released is binding. Absent new information, the member may not be involuntarily readmitted for inpatient evaluation after the RO has determined they should be released.

3.4.1.5. Ensure when complainants allege violations of DoD Directive 6490.1 and reprisal, the reporting requirements for both reprisal and mental health evaluations are completed.

### 3.4.2. Receiving MHE Referral Complaints:

3.4.2.1. When receiving complaints regarding referral to MHE, discuss the procedures required for MHE referral under DoDD 6490.1 (or AFI 90-301) with the complainant. If reprisal is not suspected and correct procedures were followed, advise the complainant disagreement with the referral is not grounds for IG investigation .

3.4.2.2. If after explanation of the proper MHE referral procedures, the complainant alleges a member was referred for MHE in violation of DoDD 6490.1 or AFI 44-109, immediately notify SAF/IGQ through your IG chain of command using Attachment 3 and conduct an investigation .

### 3.4.3. Processing MHE Referral Complaints:

3.4.3.1. First conduct a preliminary review of the allegation of improper referral. If the complainant was referred appropriately (in accordance with DoDD 6490.1 or AFI 44-109) and there is no evidence of reprisal, the complaint may be closed and no further action taken. The fact the complainant does not agree with the referral is not evidence of wrong-doing.

3.4.3.2. If the complainant was not referred properly in accordance with DoDD 6490.1 or AFI 44-109, immediately notify SAF/IGQ (through IG chain of command), using Attachment 3, and immediately conduct an investigation into the referral.

3.4.3.3. For cases involving reprisal allegations, notify SAF/IGQ of the MHE allegation using Attachment 3 and follow the provisions for reprisal in paragraph 3.3. Also look into the procedures for the referral as well as the possibility of reprisal.

3.4.3.4. Upon finalization of the investigation and upon the Appointing Authority's concurrence, forward a copy of the ROI (with attachments) through the IG chain of command to SAF/IGQ for Quality Review. Ensure all relevant attachments are included.

## 3.5. Equal Opportunity and Treatment (EOT) Complaints:

### 3.5.1. Procedures:

3.5.1.1. Except for Senior Official cases, Social Actions is the OPR for EOT complaints. Other than Senior Official allegations, IGs will only accept EOT complaints when directed by higher headquarters, or when the Appointing Authority directs the IG to look into the matter after consulting with the local SJA (normally when a Social Actions complaint clarification cannot fully resolve the issues).

★3.5.1.2. When cases are referred to Social Actions, EOT personnel are responsible for responding to the complainant. After referring the complaint, IGs take no further action (other than informing the complainant of the referral), unless otherwise directed by the Appointing Authority or higher headquarters.

★3.5.1.3. If the complaint contains allegations of EOT violations plus allegations under other complaint categories which can be separated, the IG should refer the EOT issues to Social Actions and then initiate an investigation into the other allegations as appropriate, unless otherwise directed by higher headquarters. Notify the complainant and Social Actions in writing.

★3.5.1.4. When EOT violation allegations cannot be separated from other complaint issues, IGs will instruct the IO to receive a prebrief from EOT personnel and use EOT personnel as the source of technical advice on the EOT issues (Attach an EOT person as an IO assistant if required). After SJA reviews and the Appointing Authority approves the report, provide EOT personnel the case findings and commander action taken, as appropriate.

## 3.6. Fraud, Waste and Abuse Complaints.

### 3.6.1. Procedures:

3.6.1.1. The SAF/IG is the focal point for preventing FWA within the Air Force. Detection and prosecution serve to deter fraudulent, wasteful, or abusive practices; however, the key element of the program is preventing the loss of resources. The primary elements of a FWA prevention and detection program exist within the audit, inspection, investigation, legal, and security areas. Cooperation with the IG, DoD, and other DoD service agencies is essential to an effective Air Force FWA program.

3.6.1.2. SAF/IGQ directs, administers, and oversees the Air Force FWA Prevention and Detection program and is the single coordinator for all DoD Hotline disclosures referred to the Air Force (and subsequently tasked to Air Force agencies and staffs to evaluate the disclosures and conduct investigations). Matters pertaining to the Air National Guard are usually referred to the National Guard Bureau for action. Disclosures received by SAF/IGQ via the Air Force Hotline, AF Forms 635, other mail, walk-in, and so on, will be handled in the same way as DoD complaints.

3.6.1.3. It is required that all Air Force members report suspected FWA. Commanders and IGs will maintain an active FWA program (using AF Form 102), to receive disclosures at any time without prior approval of the individual's supervisor or commander.

### 3.6.2. Processing FWA Cases:

3.6.2.1. Establish a log entry and an office file for all disclosures. Maintain an audit trail for each disclosure and its resolution. Each office file must include the items listed in Attachment 1, under the definition of *case file*.

3.6.2.2. IGs must review all allegations of FWA and documented investigation results, and pursue administrative, remedial, or preventive actions if allegations are substantiated.



3.6.2.3. Individuals disclosing alleged FWA must provide factual, unbiased, and specific information. A first step in screening the disclosure involves identifying the organizational level to which the disclosure pertains (for example, the unit that owns the affected resource). Determine if the information is specific, significant, reliable and credible and if the complainant is credible (eye witness, rational, unbiased). If FWA is apparent, determine what level of command must resolve the allegations.

3.6.2.4. If the matter is not appropriate for the FWA Program, determine the proper alternative channel for resolving the problem. Contact your MAJCOM or SAF/IGQ FWA monitor for guidance if you do not know whether to enter the complaint into FWA channels. Ensure that the activities and individuals contacted will be able to understand the disclosure by clarifying the allegations and all details.

3.6.2.5. MAJCOM, FOA, DRU, or unit Hotline disclosures (AF Form 102, mail, walk-in, and so on) receive the same handling as do USAF Hotline disclosures except that they are not forwarded to a higher level of command unless specifically tasked. Identification labels may be assigned as desired. When responding to hotline disclosures which have been tasked by SAF/IGQ, reference the Air Force or DoD hotline number assigned by SAF/IGQ in the response.

3.6.2.6. Agencies must return their Hotline Completion Reports or Progress Reports to SAF/IGQ who will forward the reports to IG, DoD after reviewing them for thoroughness and completeness.

## Chapter 4

### PROTECTION, ACCESS, RELEASE AND MAINTENANCE OF IG RECORDS

#### 4.1. Protection of IG Records.

##### 4.1.1. Classifying Reports:

4.1.1.1. Classify reports according to the policies and procedures contained in security regulations (DoD 5200.1-R; AFPD 31-4, *Information Security*, and AFI 31-401, *Information Security Program Management*.)

4.1.1.2. Unclassified reports and records are normally entitled to protection under AFI 37-131, *Freedom of Information Act Program*. Parts of IG records may be exempt from disclosure under FOIA, in particular if release would cause an identifiable harm to a governmental interest. Mark these records FOR OFFICIAL USE ONLY (FOUO) when applicable. While FOUO markings do not necessarily mean the materials are protected under FOIA, great care should be taken in reviewing such records for a release determination in response to a FOIA request. Apply FOUO markings as follows and according to AFI 37-131.

- Mark unclassified documents "FOR OFFICIAL USE ONLY": At the bottom, on the outside of the front cover (if any), on the first page, on the back page, and on the outside of the back cover (if any).
- Mark all copies of the SROIs and other responses FOUO except for the copy provided to the complainant as a response.

4.1.1.3. Letters that transmit IG reports and records (FOUO material) must call attention to the FOUO Attachments. In these cases, use the following statement as a separate paragraph: "This letter in itself does not contain "FOR OFFICIAL USE ONLY" information; however, the attached documents are marked "FOR OFFICIAL USE ONLY" and contain privileged information."

4.1.1.4. Regardless of security classification, mark or stamp reports on the outside of the front cover (if any) or at the bottom of the first page above the FOUO marking with the following disclaimer: "*This is a privileged document. It will not be released (in whole or in part), reproduced, or given additional dissemination (in whole or in part) outside of Inspector General channels without prior approval of The Inspector General (SAF/IG) or designee.*"

##### 4.1.2. Protecting Reports:

4.1.2.1 IG reports are privileged documents. Normally, IG reports should not be disclosed to individuals outside of DoD, except in limited circumstances. They should only be disclosed inside of DoD and the Air Force to those requiring access to the records in the performance of their official duties. Only the Air Force IG or his designated representatives can approve release of IG documents outside of IG channels.

4.1.2.2. AFI 37-131, *Freedom of Information Act Program*, and AFI 37-132, *The Privacy Act Program*, govern the release of IG records under these two statutes. SAF/IGQ serves as the processing agent for records in which SAF/IG is the release authority. Refer requests for IG records under the Freedom of Information Act (including appeals to previous releases) to the 11 CS/SCSR. Refer requests for IG records under Official Use or Discovery to SAF/IGQ for colonel, colonel select, and GM-15 cases or, SAF/IGS for cases involving senior officials.

##### 4.1.3. Protecting Privacy Interests:

4.1.3.1. Portions of reports and statements of witnesses are excised, if necessary, in response to FOIA requests. A complainant generally has a protectable privacy interest in the complaint. This privacy interest should be carefully balanced against the public interest before information concerning the identity of the complainant is released. Normally, the identity of the

individual making the disclosure and information which would tend to identify that person is not released. This is necessary to protect the integrity of the Air Force IG confidential complaints program, including FWA disclosures, to help prevent reprisals and preclude unwarranted invasions of privacy.

4.1.3.2. Inspectors or officials conducting investigations will not provide witnesses, subjects, or other third parties with copies of or allow those parties to read any complaint filed through IG channels. A complaint to an inspector or a complaint worked in IG channels is confidential in nature and is privileged information. Subjects and witnesses should only be advised of the matters being investigated in general terms to protect the identity of the complainant.

4.1.3.3. When possible, the complainant should be told that the inspector or commander must be able to discuss the case with appropriate officials and witnesses to resolve the complaint.

4.1.3.4. Never release the complaint, materials or information provided by the complainant, or the response to the complainant to a third party requester or the subject. (In exceedingly rare cases, one by whose name or personal identifier the record is retrieved may have a greater right to access than this paragraph would first indicate. If the "first party" requester has been deprived of a right, privilege, or benefit because of the maintenance of a record, release authorities should consult with their servicing SJA to determine if the records remain exempt under the Privacy Act.)

4.1.3.5. When third parties request personal information about a complainant, subject, or witness, consult your SJA to determine whether written consent must be obtained prior to release (for example, when the spouse, mother, father, or friend of the individual writes to a Congressional Representative requesting information about an individual). Maintain a copy of the written consent to release personal information in the case file.

4.1.3.6. The consent of the Air Force member (complainant) is not normally required for release of Privacy Act information when a Congressional or White House office is acting at the request of the member. A "Blanket Routine Use" invoked for the IG system of records permits such a release. However, where the requester seeks particularly sensitive information it may be prudent to obtain a release.

4.1.3.7. When an IG case is halted because it is determined another type of investigation is warranted, protect the privileged nature of the IG records involved. Originals and copies of IG records such as the complaint, report, or witness testimony, must not be used as the basis of a subsequent investigative effort. Instead, prepare a summary of the case which may include a list of witnesses and documents from other systems of records, or other relevant information. This is to protect IG records from inadvertent disclosure and waiver of their privileged nature. **EXCEPTION:** IGs may turn over all IG case materials to the AFOSI for criminal investigations if warranted.

#### ★4.2. Access to IG Records.

##### 4.2.1. Official Use Request (OUR):

4.2.1.1. To make an official use request for IG records you must address the request to SAF/IGQ, 1140 Air Force Pentagon, Washington DC 20330-1140 or to an IG designated in paragraph 4.3.2. Identify the records requested as specifically as possible (i.e. date of investigation, name of IO, etc.), explain in detail why the records are needed, to include any future anticipated need based on the planned course of action by the commander and be specific as to when the records are needed and how immediate the commander's or SJA's need is for a release determination.

★4.2.1.2. Subject to the provisions stipulated in this instruction, SAF/IG or IGs designated in paragraph may provide applicable portions of IG records and reports to individuals, commands, or agencies within the Air Force who have an official need to know in the performance of their duties. (See paragraph 4.3.2 for procedures to follow in administrative, nonjudicial, or judicial proceedings.)

##### ★4.2.1.3. Inform Official Use Requesters in writing of the following restrictions (Sample at Atch 13):

- Do not use IG records as attachments or exhibits to other official records without the written approval of SAF/IG or IGs designated in paragraph 4.2.3.
- IG records must be destroyed or returned to the originating office upon completion of stated need.
- Never retain or reproduce IG documents without proper authorization. If while using or retaining an IG document an office receives a FOIA or PA request, and the document(s) is a responsive record, forward a copy of the document and the FOIA request through FOIA channels to SAF/IG (paragraph 4.2.2) or IGs designated in paragraph 4.2.3 as the release authority. This will constitute a referral of those responsive documents in accordance with AFI 37-131 to SAF/IG or the appropriate IG office.

##### ★4.2.2. Discovery Requests (Military Justice Actions or Nonjudicial Proceedings):

4.2.2.1. The Staff Judge Advocate (SJA) or Acting SJA must forward all requests to use IG records in military justice actions (to include nonjudicial punishment) through IG channels to SAF/IGQ or SAF/IGS as defined in paragraph 4.3 for release determination. This includes disclosures of IG records in response to defense discovery requests when release is not already approved under an Official Use Request previously filed by the servicing legal office.

4.2.2.2. Requests made by individuals or their counsel to use IG records to appeal administrative actions (see Attachment 1 for definition of Administrative Actions) or efficiency reports are not Discovery Requests. Process such requests as FOIA

requests according to AFI 37-131, *Freedom of Information Act Program*, and paragraph 4.3.3. Obtain a Privacy Act release statement from the individual when a third party requests records on that individual's behalf.

4.2.3. FOIA and Privacy Act (PA) Requests:

4.2.3.1. Any records request which does not specifically mention or imply the FOIA or the PA, except Official Use Requests, will be processed as a FOIA request when denying information or records. IG records are generally exempt under the Privacy Act. Paragraphs 4.2.2 and 4.2.3 apply when an investigator or IG receives a request under the FOIA (see AFI 37-131) or the PA (see AFI 37-132) for the release of IG complaints records.

4.2.3.2. Coordinate FOIA requests with the servicing FOIA Office and the servicing SJA. The servicing FOIA office advises the requester when the request was received and referred to the release authority as prescribed by AFIs 37-131 and 37-132. For PA requests, the systems manager will advise the requester.

★4.2.4. Commanders and SJA Requests:

4.2.4.1. An Appointing Authority or IG may grant or provide on their own initiative access to IG records (ROI without attachments) to commanders and SJAs to determine corrective actions. An Appointing Authority should ensure reviewers do not copy or further distribute IG records, or allow access to other parties. If a commander or SJA determines that the witness statements or other attachments must be disclosed to support administrative, nonjudicial or judicial action, an Official Use Request must be provided to SAF/IGS (Senior Official cases) or SAF/IGQ (colonel and below cases) through IG channels as outlined in paragraph 4.3.1 (See paragraph 4.3.3 for guidance on releasing commander-directed investigations). Before IG records can be used to support such proceedings, the appropriate release authority within IG must grant authority for such a disclosure.

4.2.4.2. Requests made by individuals or their counsels to use IG records to appeal administrative actions or efficiency reports are not Discovery or Official Use Requests. Process such requests under FOIA in accordance with AFI 37-131 and AFI 37-132 (See paragraph 4.2.2.2).

4.2.5. Complainant:

4.2.5.1. Contact the complainant to ascertain if they want the materials they have given to the IG included as part of the request. If the complainant does not, have them notify you in writing and consider any documents marked "COMPLAINANT PROVIDED" as nonresponsive (not part of the request). This can save processing time and expense to the complainant. In the response letter to the complainant, you must indicate that those documents were not considered by stating, "*In processing your Freedom of Information Act (or Privacy Act) request, we considered any and all documents you provided during the course of the investigation as nonresponsive to your request.*"

4.2.5.2. After an IG investigation is completed, the complainant receives a response from the highest level IG directing the action. In preparing a response or completing the reverse of an AF Form 102, follow PA and FOIA guidelines. The complainant should acknowledge on the AF Form 102 that he or she has been notified of the contents on the reverse side of the form. Protect the privacy interests of others involved by ensuring you do not release personal information of third parties to the complainant.

★4.2.5.3. For many cases, the response to the complainant will be a Summary Report of Investigation (SROI) or a letter containing the response information. However, for IG, DoD 1034 Reprisal cases, IGs are required by law to provide the complainant a redacted copy of the Report of Investigation (ROI), protecting those portions exempt from release under Title 5 U.S.C. 552. Along with the original for review, IGs must forward a redacted (highlighted in yellow with FOIA exemptions noted in pencil) copy of the entire ROI to SAF/IGQ for review before release to IG, DoD.

4.2.5.4. Complainants do not have access to reports (including testimony and exhibits), or any other case file information. The complainant and third parties may request release of IG files through FOIA channels.

4.2.6. IG, DoD:

4.2.6.1. The IG, DoD, to carry out its responsibilities, must have expeditious and unrestricted access to and, when required, must be able to obtain copies of all records, reports, investigations, audits, reviews, documents, papers, recommendations, or other material available to or within any DoD component.

4.2.6.2. Any request by a member of the IG, DoD for access to records or information relating to matters under an authorized audit, inspection, investigation, follow-up, or oversight project by the IG, DoD, must be granted in a prompt manner or objections must be elevated for resolution immediately.

4.2.6.3. All IG, DoD requests received must be forwarded to SAF/IG for release determination. Under no circumstances will an individual, commander, or unit head inform an IG, DoD representative that the request is denied.

4.2.7. Congressional:

4.2.7.1. Requests from a Member of Congress, for official congressional matters and not on the behalf of a constituent, must be given special handling according to AFD 90-2, *The Inspector General--The Inspection System*. Frequently, requests for information like investigative reports, military and civilian personnel records, and records of administrative proceedings can be met by giving factual summaries rather than the documents themselves. IG reports, classified or unclassified, are not released (either in written or oral form) unless approved by SAF/IG, SAF/IG designee, or higher level Air Force authority

4.2.7.2. Requests from a Member of Congress on behalf of a constituent or as an individual are processed under FOIA.

4.2.7.3. If Members of Congress or committee staff members request a copy of the report itself or information on any opinion, conclusion, recommendation, or confidential source in the report, advise the congressional member their request will be sent to SAF/OS. Forward request immediately to SAF/LLI. AFI 90-401, *Air Force Relations With Congress*, should be consulted if there is any doubt as to Air Force obligations in responding to any Congressional request for information or records.

4.2.8. non-DoD agencies:

4.2.8.1. Follow Official Use Request when responding to requests from other government agencies. Any requests from non-DoD agencies that may potentially result in the incorporation of IG records into other systems of records or the disclosure of IG records in judicial or administrative proceedings, must be forwarded to SAF/IGQ. Always consult with the supporting SJA when responding to such requests. Do not include the opinions, conclusions, or recommendations of the Investigating Officer, nor any personal information concerning third parties unless authorized under the Privacy Act and consistent with the FOIA.

### ★4.3. Release Authority.

4.3.1. SAF/IG:

4.3.1.1. SAF/IG (or SAF/IGS or SAF/IGQ as designated), is the release and denial authority under FOIA and the Privacy Act for IG records referred to SAF for action. They include:

- All IG records finalized (closed) at SAF level. See Attachment 1 for the definition of “*Closure*.”
- All Senior Official cases and substantiated colonel, colonel select, and GM-15 cases including those that are commander-directed inquiries and investigations regardless of the level at which they were initiated or finalized.
- Any IG report requested under Official Use Request provisions of this instruction or under the discovery rules of a civil or criminal judicial proceeding or by order of a court.

IG records may only be denied below SAF level by an approved FOIA denial authority. Check with your servicing FOIA manager for proper procedure.

4.3.2. NGB, MAJCOM, FOA, or DRU IGs:

4.3.2.1. MAJCOM, FOA, DRU or NGB IGs have the authority to release IG records when those records:

- Are governed by AFD 90-3 and this instruction, and
- Pertain to IG actions finalized (closed ) at NGB, MAJCOM, FOA, or DRU level and below, and
- Are not records requested under paragraph 4.2.2, *Discovery Requests (Military Justice Actions or Administrative Proceedings)*.

Only approved FOIA denial authorities may deny records in whole or in part. See AFI 37-131, paragraph 12, and consult your FOIA office. For IG records requested by the IG, DoD, Congress, and Non-DoD agencies, refer to the appropriate paragraphs above.

### ★4.3.3 Commander-Directed Investigation Records:

4.3.3.1. The release authority for commander-directed cases is the commander exercising investigator appointment authority, with the exception of Senior Official and substantiated colonel, colonel select and GM-15 cases. SAF/IG (or SAF/IGS and IGQ as designated) is the release authority for all Senior Official and substantiated colonel and colonel select cases whether initiated through IG channels or by the local commander. Once a complaint has been entered in the IG system, the authority used to conduct an investigation must be as stated in paragraph 1.7.2. Note: In certain cases, based on the sensitivity of the allegations and parties involved, SAF/IG may be designated as the release authority.

### ★4.3.4. Non-IG Documents (within IG Records)

4.3.4.1 Many times case files contain documents which are not under IG’s purview for release determination. The most common types of records which are attached to IG records not under the IG’s purview for release determination are: Accident Investigations, Safety Reports, Medical Records, or Security Police Records; Social Action Clarifications, Climate Assessments, and Technical Reviews; Air Force Office of Special Investigations (AFOSI) reports; Commander-Directed inquiries and investigations *EXCEPTION*: SAF/IG (or SAF/IGS and IGQ as designated) is the release authority for all Senior Official and substantiated colonel, colonel select and GM-15 cases.)

★4.3.4.2. If you are responding to a FOIA and you discover documents which are not under the IG’s purview for release determination coordinate with your local FOIA office and have them forward the documents to the appropriate authorities for release determination.

★4.3.4.3. If you receive a records request for IG records which you are not authorized to release, you must forward a copy of the request and acknowledgment letter, and two copies of the case file in its entirety (including exhibits): one clean copy and one highlighted with proposed redactions and exemptions annotated, to the servicing FOIA office requesting referral with instructions that the release authority is SAF/IG, NGB, MAJCOM, FOA, or DRU IGs. Ask the servicing FOIA office to send all the documents to the appropriate FOIA office. The receiving FOIA office will in turn forward the documents to SAF/IG, NGB, MAJCOM, FOA, or DRU IGs for release determination.

4.3.4.4. Include a transmittal letter with any records forwarded to a higher level for release determination. The letter must contain how the record is actually retrieved (for example, by name, subject, unit, date, location, and so on) and background information which may not be obvious to include any adverse action taken against the subject of the record and an explanation of any miscellaneous documents contained in the file.

#### **4.4. Maintaining IG Records.**

4.4.1. Logging, Filenames, Contents of Case Files, and Disposition:

4.4.1.1. Records must be maintained for the complaints and FWA programs; however, each program has unique requirements. Maintain and dispose of records for both programs according to AFMAN 37-139, Tables 90-1 and 90-3.

4.4.1.2. All complaints received must be logged. The objective is to maintain a record of each complaint and its disposition. If a member seeks the assistance of the IG, record an entry into the log. When a case is opened, a file reference number must be assigned to the case.

4.4.1.3. Complaint case file records should include the items listed at Attachment 1 under the definition of case file.

4.4.1.4. Case records should not include AFOSI reports, classified materials, reports of special security investigations, or other similar sensitive documents. Cross reference their identifying number or subject and indicate their primary storage location. Do not retain them in the office file. Do not file any IG complaint correspondence or related documents in an individual's unit PIF, field personnel records, or a system of records other than the system established for IG records.

4.4.2. Processed Under FOIA, OUR and Discovery:

4.4.2.1. The release authority is responsible for documentation, maintenance and disposition. For records requests processed for release determination, use a duplicate of the original record to properly determine releasability and maintain the integrity of the original copy. The original copy must be preserved for appeals, Official Use Requests, and other release determinations whether or not a complete copy of the requested records were processed and released. Ensure that any changes made by the denial authority are reflected in the permanent file.

4.4.2.2. Maintain a written record concerning the release and its justification, coordination and any analysis or legal reviews, a highlighted redacted copy of released materials showing information withheld from release and annotate the exemptions in the margins to reflect justification of the withheld data. **NOTE:** Use a highlighter so you can easily read through the redactions and produce a clean copy when reproduced. Don't use dark colors.

★4.4.2.3. The original file will be destroyed on its scheduled disposition date. The FOIA case file is filed under the requester's name and must be maintained according to AFI 37-131, *Freedom of Information Act Program*, for 6 years.

RICHARD T. SWOPE, Lieutenant General, USAF  
The Inspector General

**GLOSSARY OF ABBREVIATIONS, ACRONYMS, AND TERMS*****Abbreviations and Acronyms***

**AARA**—Access and Amendment Refusal Authority  
**AFAA**—Air Force Audit Agency  
**AFGOMO**—Air Force General Officer Matters Office  
**AFOSI**—Air Force Office of Special Investigations  
**AFBCMR**—Air Force Board of Corrections for Military Records  
**ANG**—Air National Guard  
**DAF**—Department of the Air Force  
**DCII**—Defense Central Index of Investigation  
**DCIO**—Defense Criminal Investigative Organization  
**DECA**—Defense Commissary Agency  
**DIS**—Defense Investigative Service  
**DoD**—Department of Defense  
**DRU**—Direct Reporting Unit  
**EOT**—Equal Opportunity and Treatment  
**FOA**—Field Operating Agency  
**FOIA**—Freedom of Information Act  
**FOUO**—For Official Use Only  
**FWA**—Fraud, waste, and abuse  
**IG, DoD**—Department of Defense, Office of the Inspector General  
**IO**—Investigating Officer  
**JA**—Judge Advocate  
**MAJCOM**—Major Command  
**MHP**—Mental Health Provider  
**MHE**—Mental Health Evaluation  
**NGB**—National Guard Bureau  
**OPR**—Office of primary responsibility or Officer Performance Report  
**OUR**—Official Use Request  
**PA**—Privacy Act or Public Affairs  
**PIF**—Personnel Information File  
**POC**—Point of Contact  
**QR**—Quality Review  
**RCS**—Report Control Symbol  
**ROI**—Report of Investigation  
**SAF**—Secretary of the Air Force  
**SAF/ACRA**—Deputy Comptroller of the Air Force for Financial Policy and Banking  
**SAF/AQCX**—Assistant Secretary of the Air Force (Acquisitions), Directorate of Contracting and Manufacturing Policy, Contract Support Group  
**SAF/FM**—Office of the Assistant Secretary (Financial Management & Comptroller)  
**SAF/GC**—Office of the Air Force General Counsel  
**SAF/IG**—Air Force Inspector General  
**SAF/IGQ**—Secretary of the Air Force, Office of The Inspector General, Inquiries Directorate  
**SAF/IGS**—Secretary of the Air Force, Office of The Inspector General, Senior Officials Directorate  
**SAF/LL**—Office of Air Force Legislative Liaison  
**SAF/PA**—Office of Air Force Public Affairs  
**SES**—Senior Executive Service  
**SOUIF**—Senior Official Unfavorable Information File  
**SROI**—Summary Report of Investigation  
**SJA**—Staff Judge Advocate  
**UCMJ**—Uniform Code of Military Justice  
**U.S.C.**—United States Code

***Terms***

**Abuse** —Intentional, wrongful, or improper use of Air Force resources. Examples include misuse of rank, position, or authority that causes the loss or misuse of resources such as tools, vehicles, computers, or copy machines.

**Accused** —A military member who has been charged with violating the Uniform Code of Military Justice (UCMJ) and who is pending trial by court-martial.

**Acid Test** —A four question test which an IO uses to determine if reprisal has occurred (Atch 10).

**Administrative Actions** —Non-criminal proceedings. Includes, but not limited to, letters of reprimand, letters of admonishment, letters of counseling, control roster actions, unfavorable information files, reenlistment denials, promotion propriety actions, and involuntary separation actions.

**Adverse Information** —An allegation, not obviously without merit, that, if proven, would constitute:

- A violation of: criminal law, including for military officers, a violation of the Uniform Code of Military Justice (UCMJ); DoD 5500.7-R, *Joint Ethics Regulation (JER)*, August 1993; the Anti-Deficiency Act, as described by AFR 177-16, *Administrative Control of Appropriations*; civilian personnel policies that could result in disciplinary or adverse actions.
- An abuse of authority, especially when an element of personal benefit accrues to the official, a family member, or an associate.
- Fraud, waste, and abuse governed by this instruction or involving nonappropriated funds or morale, welfare, and recreation assets, including personnel and facilities, as governed by AFI 34-124, *Air Force MWR Advisory Board (formerly AFR 176-1)*, and AFI 34-202, *Protection of Assets (formerly AFR 176-2)*.
- Reprisal, as defined in this instruction.
- Misconduct by a medical provider requiring actions to suspend, limit, or revoke clinical privileges, as governed by AFI 44-119, *Quality Assurance and Risk Management in the Air Force (formerly AFR 168-13)*.
- An allegation of racial, ethnic, sex, age, religious, color, or national origin discrimination, or sexual harassment as described by AFR 36-27, *Social Actions*.
- A matter not included above which may reflect adversely on the individual's judgment or ability to perform in the present or next higher grade.

★**Allegation** —A declaration or assertion made without proof concerning an individual or a detrimental condition. A complete allegation normally includes who or what system the allegation is against; what was done wrong; and what standard (policy, instruction, etc.) it violated. Allegations must be worded in such a way that substantiation represents an impropriety. Inserting words like wrongfully and improperly will help. Allegations are usually developed by IGs during the framing process based on issues presented by a complainant. Allegations are usually written in the past tense. The findings that are the result of an investigation of allegations are expressed as either substantiated, not substantiated or inconclusive (see definitions).

**Appointing Authority** —Any commander at wing level or above or other person (such as an IG) they designate in writing to direct IG investigations.

**Assistance**—Simple process of making phone calls, inquiry or soliciting helpful information from appropriate offices or agencies or by putting personnel in touch with people, offices or agencies who can address their concerns. Assistance is used when there is no evidence or allegation of wrongdoing, and only assistance is required to remedy the problem.

**Case File** —A case file is a compilation of documents relevant to a complaint investigation. The case file includes:

- Report of Investigation (ROI)
- The Summary Report of Investigation (SROI) completed by the IO and any superseding SROI
- completed as the result of a differing command position.
- Any higher headquarters letters of explanation of a command review and response.
- For reprisal cases, include a chronology of case events and the Reprisal Evaluation Format.
- All legal reviews.
- MAJCOM, DRU, FOA or NGB IG case reviews and approval memoranda indicating a command POC.

**NOTE:** For FWA and DoD Hotline cases, forward the completion report when used in responding to referrals from higher headquarters or any other documentation showing the results of the investigation and the disposition of the case.

★**Category I Investigation** —*Only IGs or a member of the IG staff conduct Category I Investigations) -- A letter of appointment is not required. A Category I Investigation is an examination of policy, procedure or facts in the case in order to resolve the complaint through normal staff functions and quickly respond to a complainant's concerns. A Category I Investigation is a determination of the facts by checking records and correspondence, reviewing applicable instructions, examining material evidence, and as deemed necessary, interviewing (using either sworn or unsworn testimony) the complainant and persons having direct knowledge of the matter. IGs may request functional experts to review a complaint and render an opinion in order to prepare a response to a complainant. Document Category I Investigations in a formal report titled a Report of Investigation: Category I (using the SROI format) when there are substantiated allegations or the matter*

*is likely to reoccur at a later date or under similar circumstances. If the IG determines the matters are routine and subsequent review of the matter is unlikely to occur, the response to a complainant may be in writing (by letter); by telephone; or in person (or any combination of the aforementioned). Document all actions taken in the complainant's file.*

★**Category II Investigation**—Appointing Authorities must appoint an Investigating Officer and provide guidance for all Category II Investigations. Category II Investigations require formal collection of evidence, taking sworn testimony from complainant, witness(es) and subject(s), and documentation of the findings in a Report of Investigation (ROI). An Appointing Authority will select and appoint the IO, determine the scope of the investigation and determine what testimony should be transcribed verbatim. Normally, both the complainant and subject(s) testimony will be transcribed verbatim. For further details on how to conduct an investigation consult SAF/IG or command Investigating Officer Guides.

★**Chain of Command (Designated to Receive a Protected Disclosure)**—Chain of command begins with any commander who may impose or consider the appeal of the imposition of nonjudicial punishment over a complainant pursuant to the UCMJ, the Manual for Courts-Martial or AFI 51-202, and includes any superior commander vested with either special or general court-martial convening authority over the complainant as a result of assignment or attachment to that commander's command.

★**Closure**—An IG Investigation closes at the level which provides the complainant a final response (responds directly to the complainant); or, provides response to the Office of Air Force Legislative Liaison, Inquiries Division (SAF/LLI) for White House and Congressional taskings; or, responds to IG, DoD; or, is tasked to close (finalize) a case by SAF/IGQ. Synonyms for closure are "closed" and "finalized." When the complainant is anonymous, the case is closed at the level initiated or as tasked by higher headquarters. The level which closes a case is required to complete an AF Form 102 and is required to maintain an office/case file until its disposition. Place cases awaiting command action into "Follow-up" status.

★**Colonel and Colonel Select** —Any Air Force active duty, Reserve, or National Guard officer in the grade of O-6 or who has been selected for promotion to the grade of O-6 but has not yet assumed that grade.

**Complainant** —The individual(s) making an allegation against an Air Force member, program, or organization. May be any individual including, but not limited to, military members, civilian employees, retirees, dependents, parents, spouses, or other third parties who decide to use the IG complaint system.

★**Complaint** —An allegation or set of allegations that assert a recognizable wrong or violation of law, regulation, instruction, policy or rule or report of conditions detrimental to the operation, mission, or reputation of the Air Force.

**Complaint Analysis**—A preliminary review of allegations and evidence to determine the potential validity and relevance of the allegations to the Air Force and to determine whether an investigation should be conducted.

**Complaints Log**—A tailored log for IG offices to record complaints, requests for assistance, or requests for information. Basic information should include requester or complainant's name, date received, brief description of action desired, brief description of IG action taken, and closure date.

★**Direct Response** —A higher headquarters tasking to a subordinate organization to directly respond to and correspond with the complainant. The tasking organization must place the case in *Follow-up* status until the subordinate organization provides the documents (responses) as tasked.

**Disclosures**—Identification and reporting of apparent FWA or mismanagement by individuals to IG personnel. Disclosures may be made in writing or by Hotline to the installation, NGB, MAJCOM, SAF, or DoD. They may also be allegations which have been received from other agencies and accepted for action under this directive. This does not include information, findings, or discoveries gathered by auditors, inspectors, or investigators in the normal course of their duties. Also see the definitions of *Complaint* and *Protected Disclosure*.

**Express Promise of Confidentiality** —The Appointing Authority or IG may grant express promises of confidentiality to witnesses who believe their testimony may be released to a third party who may take retaliatory actions. The witness's testimony would be withheld from release to a third party in accordance with the PA or FOIA to the extent allowed by law. Confidential witness statements may be released within the Air Force or DoD only when necessary, such as in resolving complaints or as required to take disciplinary or administrative action. IGs may grant witnesses express confidentiality only where necessary to obtain essential witness testimony. Statements provided under an express grant of confidentiality are protected from public disclosure to the maximum extent permitted by law.

**File Check** —A search for adverse information on senior officials in SAF/IG, DCII, NCIC, IG-DoD, and other government investigative files.

★**Follow-up Status** —Constitutes a staging area for cases which are awaiting documentation of corrective action or awaiting a copy of a subordinate level's response to the complainant or information as tasked. All cases tasked to a subordinate unit for a direct response to the complainant must be placed in "Follow-up" status until the subordinate unit forwards a copy the complainant's response or documents as tasked.

**Fraud** —Any intentional deception designed to unlawfully deprive the Air Force of something of value or to secure from the Air Force for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled. Such practices include, but are not limited to:



- The offer, payment, acceptance of bribes or gratuities or evading or corrupting inspectors or other officials.
- Making false statements, submitting false claims or using false weights or measures.
- Deceit, either by suppressing the truth or misrepresenting material facts, or to deprive the Air Force of something of value.
- Adulterating or substituting materials, falsifying records and books of accounts.
- Conspiring to carry out any of the above actions.

The term also includes conflict of interest cases, criminal irregularities, and the unauthorized disclosure of official information relating to procurement and disposal matters. *NOTE:* For purposes of this instruction, this definition can include any theft or diversion of resources for personal or commercial gain.

**Functional Request** —A request for records that does not specifically cite or imply the FOIA. For processing, the release authority answers each functional request. When doing so, the release authority normally provides the same records as if the request were a FOIA request. If denying part or all of a functional request, process it as a FOIA request through the FOIA office citing statutory and giving appeal procedures.

**★Improper Conduct**—Conduct (acts or omissions) found to violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the Air Force, without regard to knowledge, motive, or intent.

**★Inappropriate Conduct**—Action a reasonable person would consider likely to erode confidence in the integrity of the Air Force, but which does not violate an identifiable directive, instruction, policy, regulation, rule, statute, or other standard applicable to the Air Force.

**Inconclusive** —Neither refutes nor substantiates the allegation(s). There was insufficient information available to make a determination whether the allegation was substantiated or not substantiated. An inconclusive finding does not mean it was not substantiated. It means that there was insufficient evidence to determine whether the allegation was or was not true.

**Inspector General (IG)**—Used to identify the individual (either military or civilian) at a center, installation, wing, or unit (at geographically separated units) appointed according to this directive as the Inspector General for complaints. IGs are appointed to full-time positions according to AFD 90-3.

All IGs are responsible to the commander for the basic functions of the AF inspection system.

**Interrogatory** —A list of written questions prepared by the IO for a witness to read and answer. The questions are revised and updated as facts are developed.

**Investigation** —A duly authorized, systematic, detailed examination to uncover the facts and determine the truth of a matter. For the purposes of this directive and to differentiate between the two types of examination actions and documentation required for each, the terms *Category I* and *Category II Investigation* are used: A *Category I Investigation* is conducted by an IG or IG staff member and may consist of any method of information gathering or fact finding the IG deems necessary. IGs are required to document their investigation by a memorandum for record or a *Report of Investigation: Category I* (in SROI format), whichever is deemed appropriate. A *Category II Investigation* determines the facts of a serious or complex matter. It requires a written appointment of an Investigating Officer and a written Report of Investigation (ROI) supported by indexed exhibits, sworn verbatim testimony or sworn written statements, and a Summary Report of Investigation (SROI). The Appointing Authority determines whether to require transcribed verbatim testimony or summaries of witness testimony.

**Investigating Officer (IO)** —Any commissioned officer, senior noncommissioned officer (E-7 through E-9), or civil service employee holding an equivalent commissioned officer's grade appointed by competent authority to conduct an IG *Category II Investigation*. An IO is the personal representative of the Appointing Authority. The Appointing Authority conveys authority for the investigation to the IO in writing. This authority extends to all subordinate echelons of the command and requires the compliance and cooperation of subordinate commanders. The IO will be equal to or senior in grade to the subject of the investigation and not in the chain of command of the subject (the rank requirement is not applicable for senior official and ANG cases.) When the IO cannot be equal to or senior in rank, the Appointing Authority will insure the reason for the deviation is documented in the ROI.

**★Involuntary Admission** —An involuntary, inpatient admission for a mental health evaluation when an individual is found, by a privileged mental health provider, to be suffering from a mental disorder that makes the individual a danger to self, others, or government property. Also see *Mental Health Evaluation* and *Mental Health Provider* elsewhere in this Attachment.

**★Legal Sufficiency**—A review of the Report of Investigation to determine whether: the investigation complies with all applicable legal and administrative requirements; the investigation adequately addresses the matters under investigation; the preponderance of evidence supports the findings of the Investigating Officer; the conclusions and recommendations are consistent with the findings; and, any errors or irregularities exist, and if so, their legal effect, if any.

**★Mental Health Evaluation** —A psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing a member's state of mental health. It does not include interviews under Family Advocacy programs or Air Force Drug and Alcohol Abuse Rehabilitation programs. Also see *Mental Health Provider* and *Involuntary Admission* elsewhere in this Attachment.

★**Mental Health Provider**—A psychiatrist or clinical psychologist, a person with a doctorate in clinical social work, or a psychiatric nurse specialist privileged to conduct mental health evaluations for DoD activities. Also see *Mental Health Evaluation* and *Involuntary Admission* elsewhere in this Attachment.

★**Misconduct**—Improper conduct undertaken (1) with the knowledge the conduct violates a standard, or with willful disregard for that possibility; (2) with the intention to harm another; or (3) for the purpose of personal profit, advantage, or gain. Gross negligence is misconduct under this definition, simple negligence is not.

★**Mismanagement**—A collective term covering acts of waste and abuse; extravagant, careless, or needless expenditure of Air Force funds; the consumption or misuse of Air Force property or resources resulting from deficient practices, systems controls, or decisions; or, the consumption or misuse of Air Force property or resources resulting from deficient practices, systems controls, or decisions.

★**Not Substantiated**—A not substantiated finding results when a preponderance of the evidence supports the conclusion that the alleged wrongdoing did not occur. The facts (from documentation and testimony) indicate the complainant was not wronged.

★**Office File**—An office file is a personal or FWA complaints file maintained at each IG level. The office should include any documentation produced during the course of the case. This may include copies of:

- The complaint: AF Form 102 (or a copy if the original is returned to the individual), letter, and other documentation.
- The response, letter, Congressional tasker, memo (if a verbal complaint), or other record; if referred, the referral letter to another agency.
- Any higher headquarters IG tasking letters and responses.
- Written acknowledgment that the complaint was received, copies of interim responses and final reply to the complainant.
- The letter of appointment for an investigation .
- Verbatim transcripts of testimony or testimony summaries of interviews.
- Pertinent documents gathered during the investigation . (These documents should be listed as exhibits in the ROI.)
- Documentation of records checks and findings.
- The Report of Investigation or findings and all related supporting documents. *NOTE:* FWA case files should indicate where the basic Report of Investigation is located if it is maintained in a file at another IG echelon.
- The SROI.
- Memos of all phone calls and visits with the complainant.
- Any background documents or memorandums related to the complaint resolution and follow-up.
- Replies sent by letter to the complainant or sent to higher headquarters.
- Background documents or memos related to the complaint resolution and follow-up.
- Tapes are temporarily part of the office file. Tapes made to record interviews to refresh the IO's memory should be erased after the report has been submitted and approved by the Appointing Authority (after case closure). Before destroying tapes consult with the local SJA.
- Verbatim transcripts if required by the Appointing Authority. Erase tapes after all case follow-up has been accomplished including reprisal reviews by SAF/IGQ(ISO) and the case is closed.
- For cases with no ROI or SROI, the office file must contain a memo for record documenting all actions taken.
- Any correspondence related to referrals for action or information.
- Copies of all progress reports.
- For FWA and DoD Hotline records, a copy of the completion report.
- Documentation showing the closure date for purposes of records disposition.
- Documentation, if applicable, indicating the case has been the subject of a FOIA or Privacy Act
- For reprisal cases, include a chronology of case events and the DoD Reprisal Evaluation Format.
- Documentation (using the proper advisement form) that complainants alleging reprisal (as defined by Title 10, Section 1034 of the United States Code) have been offered the opportunity to present their allegations to the IG, DoD.
- Any higher headquarters letters of explanation of a command review and response.
- All legal reviews.
- SOUIF determinations; memo to subject informing him or her of case results; subject's comments. This applies to senior official, colonel, and colonel select cases, as appropriate.
- Any other pertinent documentation.

★**Official Use Request**—Requests for records needed in the official performance of duties. SAF/IG (or designee) is the release authority for all IG records requested for official use, as provided in Chapter 4.

★**Personal Conference Period (PCP)**—A specific conference session set aside to hear complaints during an inspection. These sessions give personnel another avenue for making disclosures and airing grievances. MAJCOM inspection teams may (at their discretion) hold PCPs in conjunction with unit assessments.

★**Personnel Action**—Any action taken on a member of the Armed Forces that affects or has a potential to affect (for example a threat) that military member's current position or career. Such actions include (but are not limited to) a demotion; a disciplinary or other corrective action; a transfer or reassignment; a performance evaluation; a decision on pay, benefits, awards, or training; referral for mental health evaluation under DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*, and any other significant change in duties or responsibilities inconsistent with the military member's rank.

★**Preponderance of the Evidence**—Means the greater weight of credible evidence. It is evidence which is of greater weight or which is more credible and convincing to the mind than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The weight of evidence supporting a particular fact is not to be determined by the sheer number of witnesses or volume of evidentiary matter presented, but rather by that evidence which best accords with reason and probability. The opportunity for knowledge, or information possessed in a manner of testifying are relevant factors in determining the weight to be accorded to evidence.

★**Protected Disclosure (or Protected Communication)**—(1) Any lawful communication by a member of the Armed Forces to a Member of Congress or an IG or (2) any lawful communication in which a member of the Armed Forces communicates information the member reasonably believes evidences a violation of law or regulation, including sexual harassment or unlawful discrimination, mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, when such communication is made to:

- (1) a member of Congress or an Inspector General or;
- (2) any member of a DoD audit, inspection, investigation, or law enforcement organization or;
- (3) any other person or organization designated pursuant to component regulations or other established administrative procedures to receive such communications. This includes: IGs, Air Force FWA monitors, Social Actions personnel, and certain designated commanders in a member's chain of command (see definition for "chain of command").

A protected disclosure also includes circumstances where the military member was preparing a lawful communication or complaint that was not actually delivered, where the member did not actually communicate or complain but was believed to have done so, or cooperated with or otherwise assisted an IG, Member of Congress, or a member of a DoD audit, inspection, investigation or law enforcement organization by providing information that the military member reasonably believed evidenced wrongdoing.

★**Quality Review (QR)** —Higher headquarters review of cases closed at MAJCOMs, DRUs, FOAs, NGB or below. This includes reviewing cases involving allegations of reprisal; violations of DoDD 6490.1; substantiated colonel and colonel select cases and any other case requested by SAF/IGQ. A Quality Review consists of reviewing the case for compliance with this instruction, administratively and substantively.

★**Redaction (In reference to processing records under FOIA and PA)** —Masking out (blackening) information from records which is exempt from release under the Freedom of Information Act (FOIA) and/or Privacy Act (PA). The exemptions for FOIA are in AFI 37-131, *Freedom of Information Act Program*. The Privacy Act is outlined in AFI 37-132, *The Privacy Act Program*.

★**Referral** —A complaint which after evaluation is transferred to a organization or office of primary responsibility (OPR) outside the Air Force IG system.

★**Release Authority** —An individual designated to release records in whole according to accepted Freedom of Information Act and Privacy Act principles. The *Release Authority* is authorized to deny (withhold release) information to protect the integrity of the system and third party privacy interests. A requester may appeal the Release Authority's decision to deny information through FOIA channels as outlined in AFI 37-131, *Freedom of Information Act Program*.

**Reprisal** —Reprisal is taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action against a military member for making or preparing a protected disclosure.

★**Self Investigation** —Investigating or directing the investigation into allegations pertaining to individuals who report directly to the Appointing Authority. It is critical to the integrity of the IG system to refrain from self-investigation or the appearance of such. In these situations, refer cases to the next higher command level for resolution.

★**Senior Official** —Senior officials are active duty, retired, Reserve, or Air National Guard military officers in grades O-7 select (brigadier general) and above, current and former civilians above the grade of general service (GS) or general manager (GM)-15, current or former members of the Senior Executive Service (SES), and current and former Air Force civilian Presidential appointees.

★**Senior Official Unfavorable Information File (SOUIF)** —The SOUIF summarizes adverse information about a colonel or general officer which the Secretary of the Air Force or her designee (SAF/GC) has determined should be made available to a promotion board. If the Air Force creates a SOUIF on a senior official or colonel, the subject will be given the opportunity to submit written comments prior to any promotion selection board according to AFI 36-2501, *Officer Promotions and*

*Selective Continuation* (formerly AFR 36-9). SAF/IG provides the proposed SOUIF contents to SAF/GC. SAF/GC makes the final determination regarding whether a proposed SOUIF will be established and presented to a promotion board. For more information, see Chapter 3, Senior Officials.

**Special Inquiries**—These inquiries include IG, DoD noncriminal investigations of violations or apparent violations of law, DoD systems, regulations, directives, or instructions. For purposes of this instruction, this term identifies inquiries conducted by IG, DoD into complaints or requests for assistance.

**Statement**—A written or verbal declaration of events made to an Investigating Officer by a witness, subject or suspect using an AF Form 1168, *Statement of Suspect/Witness/Complainant*. For all reports, type any written statements. The IO and Witness must sign the typed statement to certify the validity.

Statements are used on a limited basis when IOs are unable to obtain sworn verbal testimony during an interview.

**Subject**—An Air Force military member or civilian employee against whom allegations of wrongdoing have been made and whose conduct is the focus of an investigation.

★**Substantiated**—A substantiated finding occurs when a preponderance of the evidence supports (more likely to have occurred than not occurred), the complainant's allegation or a wrong or violation of law, regulation, or Air Force policy or standards. The facts (from documentation and testimony) indicate the complainant was wronged or a violation occurred.

**Summarized Testimony**—A written summary of witness testimony prepared and certified by the Investigating Officer. It normally includes only those items directly relating to the matters under examination. It is encouraged (not mandatory) that witnesses also sign summarized testimony when feasible.

**Suspect**—An individual suspected of a criminal offense. Treat a person as a suspect when the facts and circumstances known at the time of the interview are sufficient to support a reasonable belief that the person to be interviewed may have committed a crime. Military suspects must be read their Article 31 rights and civilian suspects read their 5th amendment rights before the interview begins.

**Testimony (or Statement)**—A solemn declaration, usually made orally by a witness, in response to a formal questioning. It may be recorded and summarized or transcribed verbatim.

- Sworn. Obtained from a witness who has taken an oath or affirmation to tell the truth.
- Unsworn. Obtained from a witness who has not taken an oath or affirmation to tell the truth.

★**Third Party Complaint**—A complaint made on behalf of an individual against an Air Force military member, program, or organization.

**Transcribed Testimony (Verbatim)**—A word-for-word transcript of recorded testimony which is certified as correct by the Investigating Officer or an appointed court reporter; this includes testimony taken under express confidentiality procedures. The transcript is certified correct by listening to the tape while reading the transcript to check for accuracy. Complainants, subjects, and witnesses may review their transcribed testimony for accuracy. They may correct minor grammar or irregularities in the transcription (for example, fill in areas that were inaudible on the tape). If a complainant, subject, or witness wishes to make material changes to transcribed testimony, the IO may conduct/record a follow-on interview or the witness may prepare an additional written statement to add, modify, clarify or otherwise correct their statement.

★**Unlawful Discrimination**—Discrimination on the basis of color, national origin, race, religion, sex, or age (if the complainant is a civilian employee) that is not authorized by law or regulation. Also see *Protected Disclosure*.

**Waste**—The extravagant, careless, or needless expenditure of Air Force funds or the consumption of Air Force property that results from deficient practices, systems controls, or decisions. The term also includes improper practices not involving prosecutable fraud. *NOTE:* Consider wartime and emergency operations when explaining possible waste. For example, legitimate stockpiles and reserves for wartime needs, which may appear redundant and costly, are not waste.

★**Witness**—Any individual, civilian or military, who is interviewed (or testifies) during the course of a IG investigation.

## FORMAT FOR PROGRESS REPORT

[Date]

MEMORANDUM FOR [applicable office]

FROM: [applicable office]

SUBJECT: Progress Report - [Type of Case (*Defense Hotline FWA, Air Force FWA, Personal Complaint - IG/ Congressional/White House/High Level, DoD 1034 Reprisal, Violation of DoD Directive 6490.1 and so forth*)]

Complainant's or Subject's name and SAF/IGQ Case Number (*Case number on SAF/IGQ taskings*):

Grade/rank and full name of official conducting the investigation :

Organization, duty position and contact telephone number (*provide commercial and DSN numbers*):

Date complaint initially received by IG:

Date IO appointed:

Status of Investigation:

a. Summary of Investigation to date: (*brief summary of interviews, document reviews, and any pertinent information obtained by the examination*):

b. Reason for delay in completing case:

Final action(s) to be completed:

Expected completion date (ECD) of case to SAF/IGQ:

Grade/rank, Name and Duty telephone number of IG point of contact (POC):

[SIG Block]

Note: After initial status report is provided, you need only supply information which has changed since the last report.

**★SAMPLE LETTER FOR REPORTING ALLEGATIONS OR ADVERSE  
INFORMATION AGAINST SENIOR OFFICIALS, COLONELS, COLONEL  
SELECTS AND GM-15 PERSONNEL AND FOR IMMEDIATE REPORTING OF  
VIOLATIONS OF DOD DIRECTIVE 6490.1 (MENTAL HEALTH EVALUATIONS OF  
MEMBERS OF THE ARMED FORCES)**

(Date)

MEMORANDUM FOR SAF/IGQ  
1140 Air Force Pentagon  
Washington DC 20330-1140

FROM: (Full Official Address)

SUBJECT: Notification of Allegations Against a (*Senior Official, Colonel, Colonel Select or GM-15*)  
or

Immediate Report of Alleged Violations of DoD Directive 6490.1, *Mental Health Evaluations of Members of the Armed Forces*

According to AFI 90-301, the following information is provided: (*Separate list for all subjects*)

a. Subject's Name (Last, First, MI) and Rank:

b. Subject's Duty Title:

Organization:

Base of Assignment:

c. Location (Base) Where Allegation(s) Occurred:

d. Complainant's Name (Last, First, MI) and Rank:

e. Complainant's Duty Title:

Organization:

Base of Assignment:

f. Brief synopsis of allegation(s):

g. Date the IG Received the Complaint:

h. Rank, Name, and duty location of the Investigating officer: (*Required only when reporting alleged violation(s) of DoDD 6490.1.*)

i. IG POC and phone number: (*commercial and DSN*)

[SIGNATURE BLOCK]

## REPRISAL COMPLAINT ADVISEMENT AND FILING PROCEDURES

Any Air Force military member who reasonably believes a personnel action (including the withholding of an action) was taken or threatened in reprisal for making or preparing to make a lawful communication to a Member of Congress, an Inspector General (IG), or any member of an audit, inspection, investigation or law enforcement organization within DoD, any Social Actions Office, or to their chain of command as defined by Air Force Instruction (AFI) 90-301, may file a complaint with the Air Force Inspector General (or subordinate level IG) under the provisions of Air Force Instruction (AFI) 90-301, *Inspector General Complaints*, or, with the Inspector General, Department of Defense (IG, DoD) under the provisions of Title 10, United States Code, Section 1034, and Department of Defense Directive (DoDD) 7050.6, *Military Whistleblower Protection*. Your Air Force IG representative will explain the definitions and provisions of DoDD 7050.6 to you.

You are advised, due to the serious nature of reprisal allegations, the Air Force will immediately begin an investigation into your reprisal allegations, regardless of your decision to file your complaint with either the IG, DoD or the Air Force.

### **If you elect to file your complaint with An Air Force or Subordinate IG (not file with the IG, DoD)**

A thorough reprisal investigation will be conducted. Based on the findings of the investigation, the report will be sent to the Secretary of the Air Force, Inspector General, Inquiries Directorate (SAF/IGQ) for review and a copy of the Reprisal Evaluation will be provided to IG, DoD for their review. The responsible Air Force IG office finalizing your complaint will recommend corrective action to the appointing authority (when warranted) for corrective action. If you are not satisfied with the outcome of the investigation, you may appeal the findings to the IG, DoD.

You are advised the Air Force definition of reprisal also includes: a communication to any established Air Force grievance channel (to include Social Actions, Family Advocacy, etc.) and chain of command as defined in AFI 90-301, Atch 1.

### **If you elect to file your complaint with the IG, DoD (not with the Air Force)**

You are advised, the IG, DoD upon review of your complaint can either accept the complaint or deny DoD consideration and refer your complaint to the Air Force IG for consideration. If the IG, DoD grants DoD-level consideration, the IG, DoD may either investigate the complaint themselves or refer the complaint to the Air Force for investigation, while maintaining oversight. The election to file with the IG, DoD is optional; however, if the you elect to file the complaint with the IG, DoD, you must file the complaint within 60 days of becoming aware of the personnel action (that is the basis of the allegation). Regardless of which office conducts the investigation the same reprisal process will be utilized. However, acceptance of your complaint by IG, DoD entitles you to the following statutory provisions: right to appeal AFBCMR findings to the Secretary of Defense and receive a redacted copy of the ROI and attachments.

If you elect to file with IG, DoD, you are responsible for forwarding all documents relating to your reprisal complaint to their office. Air Force IG officials will assist you upon your request. You should read DoDD 7050.6, and follow the instructions contained therein. Your complaint may be filed with the IG, DoD by telephone: (800) 424-9098 or DSN 223-5080; or addressed to:

Department of Defense Inspector General  
Attention: DoD Hotline  
1900 Defense Pentagon  
Washington DC 20301-1900

### **Acknowledgment**

I have read and understand the above reprisal complaint procedures.

I [will] or [will not] file my complaint with the IG, DoD.

*(Signature and date)*

**Print:**

(Grade, Name) \_\_\_\_\_

(Full Organization Address) \_\_\_\_\_

(Duty Telephone Number [DSN]) \_\_\_\_\_

(Home Telephone Number with Area Code) \_\_\_\_\_

Notes/Comments(if any):



**SAMPLE LETTER FOR APPOINTMENT OF AN INVESTIGATING OFFICER (IO)**

MEMORANDUM FOR (Unit/Office Symbol)  
ATTENTION: (Rank, Name)

FROM: (Appointing Authority)

SUBJECT: [Inspector General] or [Commander-Directed] Investigation -- [as appropriate]

**[For Commander-Directed Actions begin with]**

I hereby detail you to conduct an investigation into all aspects of the facts and circumstances concerning [give brief but complete listing of what is to be looked into]. This is your primary duty until completion. You will not take leave or perform TDY without first receiving the approval of the appointing commander.

[Include the date which the IO is to submit the report, a statement to coordinate the report with the servicing SJA for legal sufficiency and direction to provide recommendations if desired. The following IG format may be used and modified as required but AFI 90-301 cannot be cited as the authority for the commander-directed investigation.]

**or**

**[For Inspector General Investigations begin with]**

In accordance with AFI 90-301, paragraph 1.7.2, you are appointed to conduct a Category 2 Inspector General investigation into all aspects of the facts and circumstances concerning [give a brief listing of what is to be examined, ensuring you do not mention the names of the complainant or subjects]. This is your only duty (no leave, TDY, or other duties), unless expressly discussed and permitted by me until completion of this duty and submission of an acceptable report.

You are authorized to interview personnel, take sworn statements or testimony, and examine any and all relevant Air Force records. All records, files, and correspondence relative to the matter under investigation, controlled by the Air Force, will be made available to you.

**[For Reprisal Cases add this paragraph to tasker]**

Follow the guidelines in AFI 90-301, Chapter 3 and IGDG 7050.6, Guide to Military Reprisal Investigations for complaints involving reprisal. Insure a chronology of events (beginning with the initial protected disclosure), an "acid test" for reprisal on each adverse personnel action and a DoD Reprisal Evaluation (AFI 90-301, Attachment 11) which includes all personnel actions taken since the protected disclosure relevant management officials and a determination of reprisal is completed and within the Report of Investigation or attachments.

**[Conclude the appointment letter with the following -- modified accordingly if a commander-directed]**

Prepare and submit to me a Report of Investigation and a Summary Report of Investigation, according to

AFI 90-301. You are also required to complete Progress Reports [or Hotline Completion Report], and all applicable attachments required by AFI 90-301 for the type of investigation you are conducting. You must meet with \_\_\_\_\_ (IG Rep) and \_\_\_\_\_ (SJA Rep) [include the Social Actions representative if EOT case] who will provide additional information about investigative techniques and procedures and serve as points of contact on these matters during your investigation. Include your conclusions and recommendations [recommendations are optional as determined by appointing authority] in the final report.

You have \_\_\_\_ days [normally 45] to complete your investigation and prepare your report for submission to the supporting IG office. For tracking purposes, submit a Progress Report (AFI 90-301, Attachment 2) on the \_\_\_\_th day [normally 45th] from the date of this letter and every \_\_\_\_ days [normally 30] thereafter until your report is complete.

You may not at any time release any information included in this case without Secretary of the Air Force, Office of the Inspector General (SAF/IG) approval. [For cases closing at Wing/Installation, Center, NAF, MAJCOM, FOA, or DRU level, you may replace “Secretary of The Air Force, Office of The Inspector General (Saf/Ig) approval” with “ Wing/ Installation, Center, NAF, MAJCOM, FOA, or DRU Office of the Inspector General approval.”]

Signature Block  
Appointing Authority

Attachments:

1. Directive to IO (specifically stating and framing the allegations):
  - The scope of the matter to be inquired into and the allegations which are relevant to the investigation.
  - That IOs have no authority to summon witnesses but may request that commanders do so on their behalf.
  - The number of copies in addition to the original to submit.
  - Not to disclose complainant’s identity without specific permission of the Appointing Authority or the IG.
  
2. Complaint (Be specific and list all complaint(s) by subject and date, if possible)

**CASE FILE FORMAT**

Section I. Administrative File	Tab A	102 Data
	Tab B	Appointing Authority Approval and Command Position
	Tab C	SROI (not required for DoD 1034 and anonymous complaints)
	Tab D	Legal Reviews
	Tab E	Technical Reviews (if applicable)
	Tab F	Command Actions (if applicable)
	Tab G	Colonel Notification to Subject's Commander
	Tab H	Complainant Notification Letter
	Tab I	Privacy Act Release
	Tab J	DoD 1034 Complaint Election Form
	Tab K	Redacted ROI for DoD 1034 Cases
	Tab L	Administrative Documents: Memos, Progress Reports, and Acknowledgment and Interim Letters (not forwarded to higher headquarters for review)
Section II. Report of Investigation (ROI)	Tab A.	Authority and Scope
	Tab B.	Introduction: Background and Allegations
	Tab C.	Findings, Analysis, and Conclusions
	Tab D	Recommendations
Section III. Support Documentation	Tab A.	Appointment and Tasking Letters
	Tab B.	Chronology of Events
	Tab C.	Complaint with Attachments
	Tab D.	Index of Witnesses
		D(1) Complainant's Testimony
		D(2) Subject's Testimony
		D(3)-D(#) Other Subject(s) Testimony
		D(#)-D(#) All Other Witness Testimony
	Tab E	Index of Exhibits
		E(1)-E(#) All Exhibits
	Tab F	Index of Forms and Checklists

**NOTES:**

1. Include all tasking letters -- from the level initiated to the Investigating Officer's appointment letter.
2. Attach the complaint and any documentation provided by the complainant. Stamp or mark each page "Complainant Provided" in the lower right hand corner of each page. 3.
3. Type an index of all the witness statements (complainant, subject(s), and witnesses) and an index of exhibits.
4. An SROI is a stand alone document used for reply to the complainant. An SROI is not required for IG, DoD tasked 1034 cases, DoD Hotline, and Air Force Fraud, Waste, and Abuse (FWA) cases and anonymous personal complaint cases. However, SROIs are required when the complainant is anonymous and the subject(s) is a senior official, colonel, or colonel select or when responding to a Congressional or White House tasking. DoD Hotline and Air Force FWA require Hotline Completion Reports unless otherwise tasked.
5. For investigations into violations of DoDD 7050.6 and/or violations of DoDD 6490.1 include the appropriate checklist at section III, Tab F.

**NOTE:** When the IG or IO doesn't use a specific "Tab" or "Section," the IG or IO should place a single sheet of paper with the words: **"THIS SECTION NOT USED"** in the center of the page.

**FORMAT FOR SUMMARY REPORT OF INVESTIGATION (SROI)****HEADING:**

**SUMMARY REPORT OF INVESTIGATION  
PREPARED BY  
SECRETARY OF THE AIR FORCE  
OFFICE OF THE INSPECTOR GENERAL  
INQUIRIES DIRECTORATE  
CONCERNING  
SUBJECT'S DUTY TITLE OR TOPIC OF COMPLAINT (SEE NOTE 2)  
JANUARY 1, 1996**

**BACKGROUND and ALLEGATIONS:****FINDINGS and ANALYSIS****CONCLUSIONS:**

Note 1: Do not use names in the SROI. Use duty titles (567th Transportation Squadron First Sergeant (567 TRANS/CCF) or terms such as complainant, supervisor, husband, son, etc.

Note 2: Use the subject's duty title or topic of complaint (i.e., Sexual Harassment in the 567th Transportation Squadron, Norton Air Force Base, California)

Note 3: Use the SROI format to document a Category I Investigation or to summarize a Category II investigation. Only IG personnel conduct Category I Investigations. A Category I Investigation is appropriate when the initial allegations do not involve alleged criminal or significant regulatory violations. A Category I Investigation consists of a systematic, detailed examination to uncover the facts and determine the truth of a matter. A Category I Investigation determines facts by checking records and correspondence, reviewing applicable instructions, examining material evidence, and interviewing (as necessary) the complainant and persons having direct knowledge of the matter if required. The IG official may obtain sworn or unsworn testimony or written statements from the complainant, a subject, and other knowledgeable witnesses as warranted. When there are substantiated findings or the matter will be reviewed or could be later considered again, the Category I Investigation should be documented in an SROI format. An Appointing Authority may subsequently determine a Category II Investigation is appropriate and initiate a Category II Investigation to provide sworn testimony and the ability to offer appropriate rights advisements. The SROI should be given to the IO appointed to conduct the follow-on Category II Investigation. A Category I Investigation is not appropriate for: reprisal cases (both IG, DoD and AF tasked); cases where there are allegations of violations of DoDD 6490.1; when cases are referred from Social Actions by the Appointing Authority for further investigation involving EOT issues; or when the complaint involves other serious or complex issues.

**FORMAT FOR HOTLINE COMPLETION REPORT  
(AS OF DATE)**

1. Name of Official Conducting the Audit, Inspection, or Investigation:
2. Rank or Grade of Official:
3. Duty Position and Contact Telephone Number of Official: *(The Investigating Officer must be separated by at least one level of command or by functional responsibility from the subject of the allegation.)*
4. Organization of Official: (Fully identify the title of the organization and location without abbreviations. You may include authorized abbreviations or symbols in parentheses.)
5. Hotline Control Number:
6. Scope of Examination, Conclusions, and Recommendations: *(Identify the title of the applicable organization or person against whom the allegation is made, without abbreviations. Authorized abbreviations or symbols may be included in parentheses.)*
  - a. *Identify the allegations, the applicable organization and location, the person or persons against whom the allegation was made, and the dollar value of actual or estimated loss or waste of resources.*
  - b. *Indicate the scope, nature, and manner of the examination conducted (documents reviewed, witnesses interviewed, and evidence collected). The report must state whether interviews were conducted by telephone or in person. The full identity, including duty title and organization, of the interviewee should be reflected in the report; however, this information must be documented in the official field file of the examining agency. Record the specific identity and location of pertinent documents reviewed during the course of the examination and reflect them in the report. Give procurement history data in those complaints that allege excessive price increases for spare parts.*
  - c. *Report the findings and conclusions of the examining official. This paragraph may discuss program effectiveness to the adequacy of existing policy or regulation, system weaknesses noted, and similar issues.*
7. Cite Any Criminal or Regulatory Violation or Violations Substantiated:
8. Command Action: *For examinations involving economies and efficiencies, report management actions taken in the final report. For examinations involving criminal or other unlawful acts, include the results of criminal prosecutions, providing details of all charges and sentences imposed. Include the results of administrative sanctions, reprimands, value of property or money recovered, or other such actions taken to preclude recurrence.*
9. Specify Security Classification of Information: *Each examining organization must determine and state, when applicable, the security classification of information included in the report that might jeopardize national defense or otherwise compromise security if the contents were disclosed to unauthorized sources.*
10. Location of Field Working Papers and Files.

*IO or IG Signature Block*

**NOTE:** The Hotline Completion Report is a stand-alone document.

## ★NOTIFICATION MATRIX

SENIOR OFFICIALS	COLONELS COLONEL SELECTS & GM-15s	LT COLONEL AND BELOW
<p><b>P R E I N V E S T I G A T I O N</b></p> <ol style="list-style-type: none"> <li>1 SAF/IG notifies MAJCOM/CC</li> <li>2 SAF/IGS notifies MAJCOM/IG</li> <li>3 SAF/IG notifies SECAF, CSAF and DoD-IG</li> <li>4 MAJCOM/CC notifies appropriate Commander(s)</li> <li>5 Commander (or SAF/IG) notifies Subject, with cautions</li> <li>6 SAF/IGS notifies Complainant (Acknowledgment Letter)</li> <li>7 <b>Unfounded Allegations:</b> <ol style="list-style-type: none"> <li>a. SAF/IG notifies MAJCOM/CC</li> <li>b. SAF/IGS notifies MAJCOM/IG</li> <li>c. MAJCOM/CC (or SAF/IG) notifies Subject's Commander</li> <li>d. SAF/IGS notifies Complainant</li> </ol> </li> <li>8 <b>Founded Allegations:</b> <ol style="list-style-type: none"> <li>a. SAF/IG notifies MAJCOM/CC</li> <li>b. SAF/IGS notifies MAJCOM IG, Subject's Commander or Subject with cautions</li> <li>c. MAJCOM/CC (or SAF/IG) notifies Subject's Commander or Subject with cautions</li> <li>d. SAF/IG notifies SECAF, CSAF, and DOD-IG</li> <li>e. SAF/IG appoints Investigating Officer</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1 MAJCOM/IG notifies SAF/IGQ of allegations</li> <li>2 MAJCOM/IG notifies Appointing Authority</li> <li>3 Appointing Authority appoints Investigating Officer</li> </ol> <p><b>NOTE:</b> Decentralized process and volume of activity makes preinvestigation steps impractical. Subordinate Commanders and Subjects are notified at commencement of investigation as noted below.</p>	<ol style="list-style-type: none"> <li>1 MAJCOM/IG notifies Appointing Authority</li> <li>2 Appointing Authority appoints Investigating Officer</li> </ol>
<p><b>I N V E S T I G A T I O N</b></p> <ol style="list-style-type: none"> <li>1 Investigating Officer (or MAJCOM/IG) notifies commander of scope</li> <li>2 SAF/IGS notifies Complainant <ol style="list-style-type: none"> <li>a. 45 day interim progress report using format at Atch 2</li> <li>b. 30 day progress reports thereafter</li> </ol> </li> <li>3 Investigating Officer notifies Appointing Authority of results</li> </ol>	<ol style="list-style-type: none"> <li>1 Investigating Officer (or MAJCOM/IG) notifies commander of scope</li> <li>2 Commander notifies Subject and Witnesses</li> <li>3 Appointing Authority or IG notifies Complainant <ol style="list-style-type: none"> <li>a. 45 day interim progress report using format at Atch 2</li> <li>b. 30 day progress reports thereafter</li> </ol> </li> <li>4 Investigating Officer notifies Appointing Authority of results</li> </ol>	<ol style="list-style-type: none"> <li>1 Investigating Officer (or MAJCOM/IG) notifies commander of scope</li> <li>2 Commander notifies Subject and Witnesses</li> <li>3 Appointing Authority or IG notifies Complainant <ol style="list-style-type: none"> <li>a. 45 day interim progress report using format at Atch 2</li> <li>b. 30 day progress reports thereafter</li> </ol> </li> <li>4 Investigating Officer notifies Appointing Authority of results</li> </ol>

SENIOR OFFICIALS	COLONELS, COLONEL SELECTS & GM-15s	LT COLONEL AND BELOW
<p><b>P O S T I N V E S T I G A T I O N</b></p> <p><b>1 Substantiated Allegations:</b></p> <ul style="list-style-type: none"> <li>a. SAF/IGS notifies SAF/IG</li> <li>b. SAF/IG (through AF/JA or SAF/GC) notifies AF/CV               <ul style="list-style-type: none"> <li>(1) <i>If AF/CV takes administrative action:</i> <ul style="list-style-type: none"> <li>A. AF/CV notifies Subject; imposes action</li> <li>B. AF/CV notifies Commander</li> </ul> </li> <li>(2) <i>If Commander takes nonjudicial or court-martial action:</i> <ul style="list-style-type: none"> <li>A. Commander notifies Subject; imposes action</li> <li>B. Commander notifies AF/CV of action taken (through MAJCOM/CC)</li> </ul> </li> </ul> </li> <li>c. SAF/IG notifies SECAF, CSAF and DoD-IG</li> <li>d. SAF/IGS notifies Complainant</li> <li>e. MAJCOM/IG notifies SAF/IGS of action taken</li> </ul> <p><b>2 Unsubstantiated Allegations:</b></p> <ul style="list-style-type: none"> <li>a. SAF/IGS notifies SAF/IG</li> <li>b. SAF/IG notifies MAJCOM/CC</li> <li>c. MAJCOM/CC (or IG) notifies Subject's commander</li> <li>d. Subject's commander notifies subject</li> <li>e. SAF/IGS notifies Complainant.</li> <li>f. SAF/IG notifies SECAF, CSAF, and DoD IG</li> </ul>	<p><b>1 Substantiated Allegations:</b></p> <ul style="list-style-type: none"> <li>a. Appointing Authority notifies Commander</li> <li>b. Commander notifies Subject and takes action</li> <li>c. Commander notifies Appointing Authority of disciplinary action taken with copy of all actions</li> <li>d. Appointing Authority notifies SAF/IGQ of findings (w/copy of ROI, Atchs and disciplinary action(s) taken)</li> <li>e. Appointing Authority (or IG) notifies the Complainant</li> </ul> <p><b>2 Unsubstantiated Allegations:</b></p> <ul style="list-style-type: none"> <li>a. Appointing Authority notifies Commander</li> <li>b. Commander notifies Subject</li> <li>c. Appointing Authority (or IG) notifies Complainant</li> <li>d. MAJCOM/IG notifies SAF/IGQ (with copy of SROI and letters to CC and complainant)</li> </ul>	<p><b>1 Substantiated Allegations:</b></p> <ul style="list-style-type: none"> <li>a. Appointing Authority notifies Commander</li> <li>b. Commander notifies Subject</li> <li>c. Commander notifies appointing authority (or IG) of action taken</li> <li>d. Appointing Authority (or IG) notifies Complainant</li> </ul> <p><b>2 Unsubstantiated Allegations:</b></p> <ul style="list-style-type: none"> <li>a. Appointing Authority notifies Commander</li> <li>b. Commander notifies Subject</li> <li>c. Appointing Authority (or IG) notifies Complainant</li> </ul>

**FORMAT FOR ACID TEST FOR REPRISAL**

1q. Did the military member make a disclosure protected by statute or DoD Directive (to an IG, Member of Congress, or a member of a DoD audit, inspection, investigation, or law enforcement organization) or by Air Force directives (disclosure to an IG, AF FWA monitor, Social Actions personnel, or to designated individuals of a member's chain of command)?

1a. Answer Yes or No. *[Providing details including the dates of protected communication; who the member made the protected disclosure to; and what the protected disclosure concerned.]*

**NOTE:** *If there are no protected disclosures documented, then reprisal can not be substantiated. If there is a question about whether or not a confirmed communication is a "protected" disclosure, the IO should enter a "Finding"; even if the IO finds the communication wasn't "protected," he or she should nonetheless proceed with the Acid Test as if it were. In those cases where complainants allege an action was taken in "reprisal" for a communication not protected by statute, DoD or Air Force Directive, the investigation is not over. The IO should determine whether or not the adverse action was otherwise an "abuse of authority." For example, the adverse actions were administratively handled improperly or there was abuse of authority by the leadership. Just because reprisal is ruled out, don't immediately stop your investigation.*

2q. Was an unfavorable personnel action taken or threatened; or was a favorable action withheld or threatened to be withheld following the protected disclosure?

2a. Answer Yes or No. *[Provide an explain of what was the unfavorable or withheld favorable personnel action, or threat thereof, taken or withheld. Also detail which officials were responsible for which particular action.]*

3q. Did the official(s) responsible for taking, withholding, or threatening the personnel action know about the protected communication?

3a. Answer Yes or No. *[Briefly state supporting facts, evidence, and testimony. It is important to state when each official responsible for the adverse action became knowledgeable. Give specific dates whenever possible. If an exact date is unknown, state "on or about" what date or time frame. Do not make general statements such as "Everyone knew that the complainant talked with the IG."]*

4q. Does the preponderance of evidence establish that the personnel action would have been taken, withheld, or threatened if the protected disclosure had not been made?

4a. Answer Yes or No. *[Be specific and explain logic and rationale. Establish whether there is a genuine connection between the adverse personnel action and the protected communication. Include discussion of the five factors found in IGDG 7050.6 used to help answer this question.]*

**NOTE:** *If the answer to the first three questions is "yes" and the answer to the fourth question is "no," then reprisal generally has occurred. As with any investigation, especially those alleging reprisal, consult your Staff Judge Advocate.*



## FORMAT FOR REPRISAL EVALUATION

### SECTION A. (COMPLETED BY THE IO)

#### 1. Information on Complainant:

- a. Full Rank and Name: \_\_\_\_\_
- b. Duty Station (State full address): \_\_\_\_\_
- c. Status (State whether Active Duty, Reserve, Guard, and so on) : \_\_\_\_\_
- d. Initial Protected Disclosure was made to (State whether Member of Congress, an AF IG, IG, DoD, and so on) : \_\_\_\_\_
- e. Date of the Initial Protected Disclosure (State day/month/ year): \_\_\_\_\_
- f. Initial Protected Disclosure Alleged What Wrongdoing (Be specific) : \_\_\_\_\_
- g. Date the Reprisal Complaint Was Filed (State day/ month/ year): \_\_\_\_\_

**2. Investigation Information:** State the subjects (responsible management officials) responsible for the personnel action(s), the date subject first learned about the complainant's protected disclosure or believed/suspected the complainant had made a disclosure and all adverse personnel actions the subject took against the complainant; the date of each personnel action and whether or not the personnel action(s) was reprisal. (Note: If more than four subjects, add rows with additional names when format is computerized; if format is printed, use an additional form.)

Subject (s) (Rank, Full Name Duty Title, Organization)	Date Subject Learned of Complainant's Protected Disclosure (Day/Month/year)	Personnel Action(s) Taken, Threatened, or Withheld (Be Specific. List each action associated with the subject.)	Date of Each Personnel Action (Day/Month/Year)	Reprisal (State "Yes" or "No" for Each personnel action)
1.	1.	1a.	1a.	1a.
		1b.	1b.	1b.
		1c.	1c.	1c.
		1d.	1d.	1d.
2.	2.	2a.	2a.	2a.
		2b.	2b.	2b.
		2c.	2c.	2c.
		2d.	2d.	2d.
3.	3.	3a.	3a.	3a.
		3b.	3b.	3b.
		3c.	3c.	3c.
		3d.	3d.	3d.
4.	4.	4a.	4a.	4a.
		4b.	4b.	4b.
		4c.	4c.	4c.
		4d.	4d.	4d.

#### 3. Investigating Officer's (IO) Information:

- a. Full rank and name: \_\_\_\_\_
- b. Unit and Base Assigned: \_\_\_\_\_
- c. DSN and Commercial Numbers: \_\_\_\_\_
- d. Signature and Date Completed Section A: \_\_\_\_\_

**SECTION B. (COMPLETED BY APPOINTING AUTHORITY OR SERVICING IG)**

4. Did the Investigating Officer:	Respond "Yes" or "No"
a. Work for any of the subjects (responsible management officials) in the case? ( <i>The IO should be free of command influence.</i> )	
b. Apply the acid test for each personnel action taken, threatened, or withheld?	
c. Accurately identify <u>all</u> protected disclosures?	
d. Investigate all personnel actions alleged to be reprisal?	
e. Identify all subjects (responsible management officials)?	
f. Were all personnel actions alleged to be reprisal looked into or otherwise addressed?	
g. Determine whether the personnel actions by each subject would have been taken, withheld or threatened if the protected disclosure had not been made?	
h. Interview the complainant first?	
i. Interview all witnesses listed by the complainant?	
j. Ask the complainant why they believe the personnel action to be reprisal?	
k. interview key witnesses? List any key witnesses or witnesses given by the complainant who were not interviewed and fully explain why each witness was not interviewed?	
l. Interview all subjects (responsible management officials)?	
m. Ask each responsible management official <b>why</b> ( <i>what was their rationale</i> ) they took, withheld, or threatened the personnel action?	
n. Objectively present the facts of the case and report the events clearly?	
o. Address all relevant information?	
p. Accurately summarize witness testimony in sufficient detail to support the findings?	
q. Obtain copies of all pertinent supporting documentation?	
r. Remain impartial and unbiased?	
s. Present both side of the issues? ( <i>Is the report balanced?</i> )	
t. Base his/her conclusions and recommendations on the facts?	
u. Address all the complainant's allegations? (All reprisal allegations plus any other allegations the complainant alleged)	

5. Was the Report of Investigation (ROI) reviewed by the Staff Judge Advocate, found legally sufficient and part of the case file? (*Yes or No. If no, explain what action was taken to correct the problem areas and attach a second legal review showing case was again reviewed by legal officials and found legally sufficient.*)

6. Were there deficiencies, discrepancies, incongruities (contradictions or inconsistencies) in the IO's findings, conclusions or recommendations?

7. Provide comments if there were problems which did not affect the outcome and any additional explanation as desired.

8. **Complete this question when an allegation(s) are substantiated.** *(When a case closes at the same level which initiated the case, corrective action may be taken immediately. If a case closes at a higher level, recommend command officials wait to take corrective action until higher headquarters notifies you that the case is closed. Cases will be placed in "Follow-up" status until the closure level receives notification of corrective action.)*

- a. List corrective action or remedy for the complainant: *(State briefly what actions command took or initiated to correct the error or injustice. )*
- b. List the corrective or disciplinary action taken or initiated against subject(s) (responsible management officials).

9. IG or Appointing Authority completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full rank, name, and Organization: \_\_\_\_\_
- b. Date Completed Review: \_\_\_\_\_
- c. DSN and Commercial Numbers: \_\_\_\_\_
- d. Signature of Reviewing Official: \_\_\_\_\_

#### **SECTION C. (COMPLETED BY NGB, MAJCOM, FOA, OR DRU IG)**

10. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full rank, name, and Organization: \_\_\_\_\_
- b. Date Completed Review: \_\_\_\_\_
- c. DSN and Commercial Numbers: \_\_\_\_\_
- d. Signature of Reviewing Official: \_\_\_\_\_

#### **SECTION D. Final Quality Review by SAF/IGS or SAF/IGQ**

- a. Full rank, name, and Organization: \_\_\_\_\_
- b. Date Completed Review: \_\_\_\_\_
- c. Signature of Reviewing Official: \_\_\_\_\_

**FRAUD, WASTE AND ABUSE HOTLINE NUMBERS**

<b>Agency</b>	<b>Hotline Numbers</b>
Department of the Air Force	DSN 227-1061 (in Virginia) 800-468-6661 800-538-8429 703-697-1061
Department of Defense	DSN 223-5080 800-424-9098 703-604-8569
Department of the Army	DSN 225-1578 (in Virginia) 800-572-9000 800-752-9747
Department of the Navy	DSN 288-6743 800-522-3451 202-433-6743
Army & Air Force Exchange Services	800-527-6789 (in Texas) 800-442-6345
Department of Agriculture	800-424-9121 202-475-5022
Department of Commerce	800-424-5197 202-377-2495
Department of Education	800-647-8733 202-755-2770 FTS 755-2770
Department of Energy	800-541-1625 202-586-4073 FTS 252-4073
Environmental Protection Agency	800-424-4000 202-382-4977
General Accounting Office	800-424-5454 202-272-5557
General Services Administration	800-424-5210 202-566-1780
Health and Human Services	800-368-5779 FTS 472-4222
Housing and Urban Development	800-347-3735 202-472-4200
Department of Interior	800-424-5081 202-343-2424
Department of Justice	800-869-4499 202-633-3365
Department of Labor	800-347-3756 FTS 357-0227
National Aeronautical and Space Administration	800-424-9183 202-755-3402
Small Business Administration	202-653-7557
Department of State	202-647-3320
Department of Transportation	800-424-9071 202-366-1461
Department of Treasury	800-826-0407 202-566-7901

Agency	Hotline Numbers
Veterans Administration	800-488-8244
	FTS 233-5394
	202-233-5394

**★SAMPLE OFFICIAL USE REQUESTS**

**NOTE:** Other than FOIA and Privacy Act responses and releases to IG, DoD, and Congress, releases of IG records should include the following sentences in the response to the requester from the appropriate release authority (MAJCOM, FOA, DRU or NGB IG or from SAF/IG):

MEMORANDUM FOR [Appropriate Office]

FROM: [Appropriate Office]

SUBJECT: Release of IG Documents -- Official Use Request

In reply to your Official Use Request dated \_\_\_\_\_, attached are the Inspector General records you requested concerning \_\_\_\_\_.

These documents are official Inspector General records. Please return or destroy these records when their use has been served. Because of the sensitivity of the issues and the individuals involved, access to these documents must be diligently safeguarded. These documents are considered privileged and confidential. Every precaution must be taken to ensure only those individuals with a bonafide "official need to know" in the performance of their duties are allowed access. This will protect the privacy of all parties involved and preclude degradation in the integrity of the Inspector General Complaints Program.

These records may not be used as advisories or released, reproduced, or disseminated in whole or in part or incorporated into another system of records without the written permission of the Air Force Inspector General, SAF/IG or designee.

[Signature Block]

**NOTE:** Ensure the FOUO markings are applied according to paragraph 4.1.2 and that each page has the disclaimer found in paragraph 4.1.3.

## REFERRAL AGENCIES AND APPROPRIATE GRIEVANCE CHANNELS

The IG Complaints Program does not generally handle matters that are covered under other Air Force Instructions (AFIs) or directives. The following matrix provides for appropriate referral to agencies with programs for the redress of these complaints. This figure does not list every type of complaint that can be handled by other appeal channels. If a policy directive or instruction provides a specific means of appeal or redress of a grievance, you must exhaust those appeal procedures. You must be able to allege that the process was mishandled or handled prejudicially before IG channels will process a complaint of mishandling. Mere dissatisfaction with the outcome of an appeal is not sufficient basis for an IG investigation.

**Table 14.1. Appropriate Grievance Channels.**

TYPE OF COMPLAINT	REFERENCE
<i>Civilians</i> -- Complaint of conditions of employment issues (personnel policies, practices, and matters affecting working conditions) or, Equal Employment Opportunity (EEO) issues (discrimination based on race, color, sex, religion, or national origin)	Refer to the servicing Civilian Personnel Office (CPO) for appropriate action within civilian grievance system -- AFI 36-1201 and AFI 32-6001
<i>Civilians</i> -- Nonappropriated Fund (NAF) employee conditions of employment issues or reprisal	Servicing NAF Employment Office (conditions of employment) or the IG, DoD for reprisal
Military Equal Opportunity and Treatment (EOT) Issues	Refer to Social Actions -- AFI 36-2701
Administrative Separations	Refer to HQ AFPC/MSH -- AFI 36-3208 (Enlisted), AFI 36-3207 (Officers, AFI 36-3209--Reserves
Air Force Reserve matters	Refer to HQ AFRES/IG -- AFI 36-2115
Equal Opportunity in off-base housing	Refer to Social Actions -- AFD 32-60
Landlord or tenant disputes	Refer to Commander -- AFI 32-6001
Claims against the Government	Refer to SJA -- AFI 51-502
Correction of military records	Refer to SAF/MIBR (AFBCMR process) -- AFI 36-2604
Appeal of an Officer Performance Report (OPR), Enlisted Performance Report (EPR), or Promotion Recommendation Form (PRF)	Refer to SAF/MIBR (AFEARB process) -- AFI 36-2401
Support of Dependents and Private Indebtedness	Refer to HQ AFPC/MSH -- AFI 36-2906
Suggestions	Refer to AF/PE -- AFI 36-2857 & AFI 36-2857
Change to an Instruction/Regulation	Refer to appropriate HQ USAF OPR -- AFI 37-160V1
LOC, LOR, or Article 15 (other than discrimination/reprisal)	Refer to chain of command or SJA (or HQ AFLSA/JAJM)
Punishment under UCMJ	Refer to SJA or HQ AFLSA/JAJM -- AFI 51-201
Article 138, UCMJ (Complaint of Wrong)	Refer to Legal channels -- AFI 51-904
Hazardous Working Conditions (unsafe or unhealthy)	Refer to AF/SE -- AFI 91-302
Elimination From Training	Refer to HQ AETC/IG (AETC directives)

Medical Treatment	Refer to AF/SG for Quality assessment or Medical Incident Investigative (MII) process
Allegations against AFOSI agents	Refer to HQ AFOSI/IG
Allegations regarding non-Air Force Organizations	Refer to IG, DoD Hotline



**CRITERIA FOR ASSESSING ALLEGATIONS OF VIOLATIONS OF DODD 6490.1  
MENTAL HEALTH EVALUATIONS OF MEMBERS OF THE ARMED FORCES**

**SECTION A. (COMPLETED BY THE IO)**

1. Information on Complainant:

- a. Full Name and Rank: \_\_\_\_\_
- b. Duty Station: *(State full address)* \_\_\_\_\_
- c. Status: *(State whether Active Duty, Reserve, Guard, and so on)* \_\_\_\_\_
- d. Date Involuntarily Referred for a Mental Health Evaluation: *(State day/month/ year)* \_\_\_\_\_
- e. Date member notified Inspector General: *(State day/month/ year)* \_\_\_\_\_

2. Information on Subject:

- a. Full Name and Rank: \_\_\_\_\_
- b. Duty Station: *(State full address)* \_\_\_\_\_
- c. Status: *(State whether Active Duty, Reserve, Guard, and so on)* \_\_\_\_\_
- d. Reason Why Subject referred Complainant to mental health: \_\_\_\_\_

NOTE: The requirements under DoDD 6490.1 do not apply in the following situations:

- a. When a member is referred to mental health related to mental responsibility and capacity to stand trial according to Rule for Courts-Martial 706, Manual for Courts-Martial (MCM), United States, 1984;
- b. Interviews conducted under the substance abuse control Program or interviews conducted under the Family Advocacy Program.
- c. If either of the above situations exist, then skip to Item 4 and complete information regarding the Investigating Officer. If member's alleges reprisal, IO must follow the procedures outlined in AFI 90-301 Chapter 3 and complete a IG, *DoD Reprisal Evaluation Format* at Attachment 11.

3. Fill out the section which applies to the complainant's referral to mental health (Table 15.1)

**Table 15.1. Referral Conditions.**

<b>Part A</b>	<b>Referrals for Outpatient Evaluation (Other than Emergency)</b> <i>(State Yes or No unless otherwise indicated in the area next to the question under "Response". Some questions require additional information. State all dates in "day/month/year" format Any question where the response is "No" provide a detailed explanation; attach additional pages if necessary)</i>	<b>Response</b>
1.	Did the Commander consult with a mental health provider (MHP) prior to referring the member for an involuntary mental health evaluation? (a) Date Commander consulted with MHP: _____ (b) State Rank/Name of MHP contacted: _____	<i>(If yes, complete information requested)</i>
2.	Did the Commander provide the member written notice of the mental health referral? State the Date Member Received Written Notification: _____	<i>(If yes, complete information requested)</i>
3.	Was the following information include in the written notification:	
	a. The date and time the mental health evaluation is (was) scheduled?	
	b. A brief factual description of the behaviors and (or) verbal expressions that caused the commander to determine a mental health evaluation is necessary?	

Part A	<b>Referrals for Outpatient Evaluation (Other than Emergency)</b> (State Yes or No unless otherwise indicated in the area next to the question under "Response". Some questions require additional information. State all dates in "day/month/year" format Any question where the response is "No" provide a detailed explanation; attach additional pages if necessary)	<b>Response</b>
	c. The name or names of the mental health professionals with whom the commanding officer has consulted before making the referral?	
	d. The positions and telephone numbers of authorities, including attorneys and IGs, who can assist a member who wishes to question the referral?	
4.	e. A copy of the member's rights as listed in Section E under the term "Member's Rights."	
<b>Part B</b>	<b>Inpatient Admission for Emergency or Involuntary Mental Health Evaluation</b>	
1.	Was member admitted by a psychiatrist (or if a psychiatrist was not available, by another MHP or a physician)? (a) State Rank/Name of admitting provider (professional): _____ (b) Date member was admitted: _____	(If yes, complete information requested)
2.	Was the member given a copy of their rights as listed in Section E under the term "Member's Rights" as soon as possible after admission? State date member was given a copy of their rights: _____	(If yes, complete information requested)
3.	Was the member also informed of the reasons for the MHE, the nature and consequences of the MHE and any treatment? (a) State Rank/Name of MHP who informed member: _____ (b) State the date this occurred: _____	(If yes, complete information requested)
4.	Was the member allowed to contact a friend, relative, attorney, or inspector general, as soon after admission as the member's condition permits?	
5.	Did the attending psychiatrist (or MHP) determine within 2 workdays (attending MHP's normal duty day) of admission if continued hospitalization and treatment was justified or whether the member should be released? (a) State MHP who made the decision: (Rank/Name) _____ (b) State the date decision was made: _____ (c) State the date member was released from the hospital: _____	(If yes, complete information requested)
6.	If hospitalization was continued, was the member notified <b>verbally and in writing</b> of the reasons for continued hospitalization and treatment? State the Date Member Received Notification: _____	(If yes, complete information requested)
7.	Did the medical facility or installation commander appoint a neutral or disinterested officer to conduct a review of the involuntary psychiatric admission <b>to be completed</b> within 72 hours of member's admission? (Note: If a higher superior directed the MHE, the next higher level commander must appoint the reviewing officer and take the report.) (a) State Rank/Name of Review Officer: _____ (b) State Date Review Officer was Appointed: _____	(If yes, complete information requested)
8.	Did the Review Officer interview:	
	(a) the commander who directed the hospitalization?	
	(b) the member's attending physician?	
	(c) the member (only if the member consents and his or her condition permits?)	

Part A	<b>Referrals for Outpatient Evaluation (Other than Emergency)</b> (State Yes or No unless otherwise indicated in the area next to the question under "Response". Some questions require additional information. State all dates in "day/month/year" format Any question where the response is "No" provide a detailed explanation; attach additional pages if necessary)	<b>Response</b>
9.	Did the Review Officer introduce him or herself during any interview with the member; explain the review process and the reasons for the interview; and the anticipated length of the process?	
10.	Did the Review Officer during all interviews, advise the member:	
	(a) Of his or rights under Article 31, Uniform Code of Military Justice (UCMJ), and the Fifth Amendment to the US Constitution?	
	(b) That he or she may have an attorney present during the interview, if requested?	
	(c) That if an attorney is requested, and does not already have one, a military attorney will be appointed?	
	(d) That he or she may request a different military attorney of his or her own choosing, if the attorney is available within a reasonable time?	
11.	Did the Review Officer report the determination of further hospitalization and treatment to the installation commander (CC) within 72 hours of the member's admission. State the date the Review Officer reported determination to commander: _____	(If yes, complete information requested)

## 4. Information Concerning the Investigating Officer (IO):

- a. IO's Rank/Name: \_\_\_\_\_
- b. Base of Assignment: \_\_\_\_\_
- c. Date Appointed IO: \_\_\_\_\_
- d. DSN and Commercial Number (CONUS only): \_\_\_\_\_
- e. Date this Form Completed: \_\_\_\_\_
- f. IO's Signature: \_\_\_\_\_

**SECTION B. (COMPLETED BY APPOINTING AUTHORITY OR IG)**

5. Did the IG report to SAF/IGQ within 10 duty days (5 duty days if subject is a senior official, O-7/equivalent or above) of receipt of the allegation(s) using Attachment 2, AFI 90-301? \_\_\_\_\_

6. I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IO's findings and conclusions; and was found legally sufficient by the SJA.

- a. Full name, rank, and Duty Title: \_\_\_\_\_
- b. Date Completed Review: \_\_\_\_\_
- c. DSN and Commercial Numbers: \_\_\_\_\_
- d. Signature of IG/Appointing Authority: \_\_\_\_\_

**SECTION C. (COMPLETED BY NGB, MAJCOM, FOA, OR DRU IG)**

7. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IO's findings and conclusions; and was found legally sufficient by the SJA.

a. Full name, rank, and Duty Title:

\_\_\_\_\_

b. Date Completed Review: \_\_\_\_\_

c. DSN and Commercial Numbers:

\_\_\_\_\_

d. Signature of Reviewing Official:

\_\_\_\_\_

**SECTION D. (COMPLETED BY SAF/IGS OR SAF/IGQ)**

8. IG official completing review: I certify that the attached ROI meets all the requirements outlined in AFI 90-301; supports the IO's findings and conclusions; and was found legally sufficient by the SJA.

a. Full name, rank, and Duty Title:

\_\_\_\_\_

b. Date Completed Review: \_\_\_\_\_

c. Signature of Reviewing Official:

\_\_\_\_\_

**ITEMS FOR CASE REVIEWING OFFICIALS' CHECKLIST  
(SEE NOTE 1 BELOW)**

Has the appropriate SJA reviewed the report for legal sufficiency of the findings, conclusions, and recommendations?

Are the conclusions supported by substantial evidence?

Has the Appointing Authority approved the investigation?

Does the report cite the correct authority for the investigation?

Is the source of the complaint indicated?

Are the date and place of the investigation indicated?

Does the report give the name and the duty title of the investigator(s)?

Are the matters to be investigated fully stated (allegations allege a recognizable wrong or violation)? Has the report addressed each allegation? Has there been a final determination for each allegation of either substantiated or inconclusive (based upon lack of evidence).

Were there any allegations of reprisal? If so, was the "acid test" and the procedures in Attachment 11 applied?

Are the "facts" complete? Clearly stated? Supported by the evidence?

Is each statement of fact properly cross-referenced to the testimony (by exhibit identification letter and question number) or ROI exhibit as applicable?

Are the "facts" completely separated from opinion?

Has the IO correctly used the "Background" section to give background corollary information and to state opinions?

Is the evidence complete? Properly evaluated? Has the IO reviewed relevant documentation?

Have all material and recommended witnesses been interviewed? Asked relevant questions? Interviewed witnesses under oath? Has it been properly documented that the witnesses were placed under oath?

Did any witness ask for an express promise of confidentiality? Did the Appointing Authority consult with the SJA before approving? Is this properly documented and recorded in the testimony?

Were all appropriate witnesses properly advised of their Fifth Amendment Constitutional rights or rights under the UCMJ, Article 31, as required? Is this properly recorded in the testimony?

For each person charged with an irregularity or against whom allegations have been made, has the IO:

- Fully advised him or her of the allegations?
- Given the person full opportunity to testify in his or her behalf and to submit a written statement, if desired?
- Allowed the person to recommend witnesses to be interviewed in his or her behalf?

Did the IO interview any witnesses in the presence of unauthorized personnel?

Are there any indications that coercion or compulsion was used with any witness? Did any witness report any fears or allegations of threats of reprisal or intimidation? If so, were they properly reported and inquired into or investigated?

Are the IO's conclusions sound? Supported by the facts?

If the Appointing Authority requested recommendations and the IO provided them, were they sound? Supported by the facts?

Have any recommendations been duly considered:

- The interests of the government?
- The rights of the person?

Is there any evidence of a cover-up?

Have appropriate functional OPRs reviewed the report, as applicable?

Is any additional investigation required? Were any systemic problems identified and appropriately referred?

Have all working papers and tapes been turned in to the Appointing Authority? After consultation with the SJA, has their disposition been determined and documented?

NOTE 1. Use AF Form 2519, All Purpose Checklist, to develop a checklist applicable for your use using the items listed above.